

GOVERNOR'S DESPATCH.  
4th Dec., 1860.

and the Northern Chiefs: did you assist the Government in any way to obtain the consent of the Waikato Chiefs to that Treaty?—I did: I induced the Waikato people to consent to it.

Were you aware as to what was their understanding, at the time, of their cession of sovereignty to the Queen, as contained in the Treaty?—That they retained the rights over their lands, but that the Queen had power to make laws.

Do you know what are the views now entertained by the Native King party with reference to the meaning of that Treaty?—I do not.

Are you aware whether any of the Chiefs who agreed to that Treaty are now connected with the King movement?—I am not.

Do you recollect a sort of state visit made by the old King (Potatau) to Lower Waikato some time in the beginning of the present year?—I do.

Were you present at an Assembly held at Waiuku on that occasion?—I was.

Did you deliver an address to that Assembly in which you expressed your interpretation of the meaning of the terms of the Treaty which relate to their lands; and if so, will you state to the Committee what you then said to the Natives on that subject?—I said that they ought to allow each man to do what he liked with his own land, that their right to their land was secured to them by the Treaty of Waitangi, and that no king ever interferes with his people when they wish to sell land." (47A)

(47A) Maunsell,  
Sess. Pap. Gen.  
Ass. F—No. 2

#### IV.—ACTS AND DECISIONS OF FORMER GOVERNORS OF NEW ZEALAND.

30. I beg now to call Your Grace's attention to the uniform action that has been taken by successive Governors of New Zealand in the matter of the Taranaki Land Question, since the establishment of the Queen's Sovereignty in these Islands.

##### *i. Proceedings of Governor Hobson.*

31. I have described the condition to which the Ngatiawa tribe had been reduced by successive conquests and migrations, and the abject state of the remnant which still remained at Taranaki in 1840. It was in this state of things that Governor Hobson made his purchase of the Taranaki district from the great Waikato Chief Te Wherowhero, who had some time previously accompanied him to Kapiti. Writing to the Secretary of State in December 1841, the Governor gave the following description of the transaction, and of the position which Te Wherowhero assumed in it:—

"Te Wherowhero claims the country as his by right of conquest, and insists on it that the remnant of the Ngatiawas are slaves; that they only live at Taranaki by sufferance, and that they had no right whatsoever to sell the land without his consent. In illustration of his argument, he placed a heavy ruler on some light papers, saying, 'Now so long as I choose to keep this weight here, the papers remain quiet, but if I remove it, the wind immediately blows them away; so it is with the people of Taranaki'; alluding to his power to drive them off" (48.)

(48) Gov. Hobson,  
App. B. 1.

32. The Deed of Sale was executed in January 1842: the boundaries included all the country from Tongapourutu, north of the Mokau river, to the Ngatiruanui country south of the Sugar Loaves, comprising the whole of the Waitara district. It does not appear that Governor Hobson obtained any formal cession of their rights from the Ngatimaniapoto Chiefs, who with Te Wherowhero were the joint conquerors of the Ngatiawa; but Tamati Ngapora, Te Wherowhero's brother, told me not long since that the Ngatimaniapoto got the whole payment, and that his brother was very angry and said he would have been satisfied with even a blanket as a token of recognition. During his visit to the Ngatimaniapoto Chiefs at Kawhia, in April 1842, Governor Hobson acquainted them with his purchase, and gave them permission to occupy a part of the land within the boundary, distinctly warning them at the same time that they were not to interfere with the European Settlement at New Plymouth, and desiring the Resident Magistrate there to point out to them the English boundary. (49.)

(49) Gov. Hobson,  
App. B. 3.

33. In this transaction it is clear that Governor Hobson in no way admitted the right of the Ngatiawa tribe to the country they had abandoned, nor any right of chieftainship, nor any right on their part to forbid the sale: but on the contrary recognised the European settlement, and claimed to have extinguished the aboriginal title by his purchase from the Waikatos.

34. In order clearly to ascertain the completeness of that purchase, it will be necessary to examine the evidence of the Waikato title by conquest. I am aware that it has been held to be a rule in Native Tenure that conquest without occupation gives no sufficient title. The doctrine has been laid down very distinctly and decisively, though it is held to be doubtful on good authority; but, for the present purpose, it is not necessary that I should controvert it. The question, then, is narrowed to this, whether or not the Waikatos retained possession or occupation of Taranaki after their conquest.

35. Though the doctrine has been broadly laid down as above stated, it is nowhere said what degree of possession and occupation is sufficient to establish a complete title. In the case of Taranaki, Chief Protector Clarke in 1843, while admitting that the title of the Waikato conquerors was good so far as they had taken possession, held that the chief right was still vested in the Ngatiawa tribe as the original inhabitants (50); but in the case of Wairau in the Middle Island, just after the massacre in the same year, he held that the title lay wholly in Raupahara and the Ngatitaoa tribe as conquerors of the district (51), though, so far from occupying the country, they were (both before and after the massacre) settled on the north shore of Cook's Straits, and had only an insignificant cultivation in Cloudy Bay. Thus, in one case, the principal right was said to remain with the

(50) Clarke,  
App. A. 8.,  
(51) Clarke, Parl. Pap.