

which deduct the amount of payment which any of the present claimants may have received from the Company: the unpaid resident Natives receiving their proportionate shares, and the residue lodged in trust for the absentees; *who should have notice that unless their claims were preferred and substantiated within a given period (say twelve months) they would be considered forfeited. Such award should be final and absolute.*" (67).

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

(67) *Forsaith*,
App. B. 14.

80. It is then quite clear that in these decisions, as in the previous proceedings of Governor Hobson, neither the Tribal Right of the Ngatiawa, nor any "Seigniorial Right," nor any Chieftain Right to forbid a sale, were recognised by Governor FitzRoy: but that on the contrary he, in accordance with his pledge two months before, admitted the individual right of ownership; which, however, was hardly acknowledged in the proposed block. 7000 acres were to be laid off, whether the absentee claimants were willing to sell or not; a price per acre was to be fixed by the Government, whether the Natives agreed to it or not; and the absentee owners were to come in and prove their claims in 12 months or have them absolutely and finally forfeited. It is material to observe, that Governor FitzRoy professed to admit the rights of the Ngatiawa "in all their integrity": and we have in these decisions conclusive evidence of what he considered those rights to be. It is true that the proposals were specific only as respected the block between the Sugar Loaves and the Waiwakaiho, a river about five miles north of them; but that country was just as much part of the ancient possession of the Ngatiawa as the Waitara, and what was justice in one case would have been justice in the other.

51. I shall presently show that the principle here laid down by Governor FitzRoy in the first Government purchase was exactly followed by Governor Grey: and I beg leave to remark that in allowing Te Teira and his people to sell their own land at Waitara, I did no more at Waitara in 1860, than Governor FitzRoy thought it consistent with the Ngatiawa rights to do at New Plymouth in 1844, and had expressly pledged himself should be done.

iv. Proceedings of Governor Sir George Grey.

52. The decision come to by Governor FitzRoy did not result in a cessation of disputes. The Government had to accept a block half the size originally fixed. The Ngatiawa Chief Moturoa, from Wellington, put in a claim to some country which was claimed by another section of the tribe; this section claimed part of the payment which another branch of the tribe was to receive; the claimants flew to arms, and blood was all but shed. A striking account of these occurrences, and of the condition to which the right of chieftainship had been degraded in this broken and scattered tribe, is given by Mr. McLean in his official Report of 17th December, 1844 (68).

(68) *McLean*,
App. B. 11.
Parl. Pap. 8, April
1846, p. 143.

53. Soon afterwards, Wiremu Kingi, who had returned to his place at Waikanae, announced his intention of returning to Waitara with his people, and offered to sell Waikanae to the Government. (69). The proposal was discouraged by the Superintendent of the Southern Division (70), and by the District Protector, who reported that "their claim was of a doubtful character; that the whole of the tribe had not consented to remove, as it was still uncertain whether the Ngatimaniapoto and Waikato would allow them to resume the territories they were many years ago obliged to surrender; and lastly but particularly, that Te Rauparaha desired him not to recommend their claims as valid." (71). The proposal was referred to Governor FitzRoy, who minuted upon it "Read R. F. Oct. 30, 1845," but does not appear to have given any directions upon it. (72.)

(69) *W. Kingi*,
App. B. 17.
(70) *Richmond*, *Ibid*.

54. In the meantime the Governor had, in a memorandum to the Secretary of State, briefly reported his disallowance of Mr. Spain's award (73). The information he gave was not satisfactory to Mr. Gladstone, then Colonial Secretary, who sent out instructions to Governor Grey to endeavour to give effect to the award unless he should have seen reason to believe that its reversal was a wise and just measure (74).

(71) *Kemp*, *Ibid*.
(72) *Gov. FitzRoy*,
Ibid.

55. The Native Insurrection of 1846, in which it is only just to say that Wiremu Kingi bore arms on our side, had interrupted his plans for returning to Waitara: but upon peace being made they were revived, and he accompanied Sir George Grey in the visit which His Excellency paid to New Plymouth in February 1847, with the special object of settling the land question.

(73) *Gov. FitzRoy*,
App. B. 16.

56. On the 1st and 2nd March, the Governor held meetings with the Ngatiawa Chiefs, and announced his decision. The principle of it was identical with that adopted by Governor FitzRoy. The following extract from his despatch of the 2nd March 1847, is submitted to Your Grace, in which you will find that Sir George Grey expressly says his plan was "in fulfilment of the promises of his predecessor."

(74) *Rt. Hon. W. E. Gladstone*,
App. B. 18.

"Upon taking a review of the whole of these circumstances, together with our isolated and weak position in this portion of New Zealand, the only arrangement I thought could be advantageously made was, to acquaint the Natives that I should order, in the first place, that the most ample reserves for their present and future wants should be marked off for the resident Natives, as well as for those who were likely to return to Taranaki; but that the remaining portion of the country, in that district, should be resumed for the Crown, and for the use of the Europeans; that, in the fulfilment of the promises made by my predecessor, the value of the resumed land, in its wild and defenceless state, should be assessed by a Commissioner, and that a Court should then be appointed to inquire into the Native titles to the whole, or portions of the district so resumed; and that those Natives, who established valid claims to any parts of it, should receive the corresponding portions of the payment to which they would become entitled. But very few of the Natives seemed disposed to assent to this arrangement; but they distinctly understood that it was my intention to enforce it (75).

(75) *Grey, Despatch*,
App. B. 19.

57. And the following extracts from his instructions to Mr. McLean at the same time show the precise mode in which the Governor meant the plan to be carried out:—

"It is proposed to evade, in as far as practicable, the various difficulties which have arisen under these conflicting circumstances, by in the first place reserving to the several tribes who claim land in this district, tracts which will amply suffice for their present and future wants; and 2ndly, resuming