

MISCELLANEOUS.

Archdeacon Hadfield's
Letter, 29 May, 1860.

lie within very narrow limits. The right of Natives to their lands is not now a subject of dispute. The Governor says: "The Queen has said that all the natives shall be free to sell their lands to Her, or to keep them, as they may think best." The question at issue is simply this—Is a native chief to be forcibly ejected from his land, because an individual member of his tribe tells a subordinate land agent that it is his and not the chief's, and that agent believes him? The Governor says, Yes; the chiefs say, No. We have resigned our sovereignty to Her Majesty the Queen, and in return for that Her Majesty has guaranteed to us the protection of the law. We claim to have disputed titles to land which it is desired to purchase, decided in some competent court on evidence given upon oath, for we have never consented, and will never submit, to have the titles to the land on which we live, and on which we cultivate the food for our subsistence, decided by a mere subordinate land agent, interested in acquiring land, and resting his decision on the bare assertion of a man of no note or rank in the tribe. This is really the question at issue between the Governor and Wiremu Kingi. Were Teira's title as good as I am certain it is bad, and had Wiremu Kingi no valid title whatever, still the real question raised by this act of the Governor's is what I have now stated it to be. Are chiefs to be debarred from all right to defend their titles in a competent court of law? Is the *ipse dixit* of an interested subordinate land agent to deprive a chief of his land, and justifying the Governor in having recourse to arms? If so, of what conceivable use or meaning is the guarantee in reference to their land contained in the Treaty of Waitangi? * * *

I now proceed to consider the grounds publicly set forth by the Governor in defence of his extraordinary act at Taranaki, in forcibly ejecting Wiremu Kingi and his tribe from a block of land situated on the South side of the Waitara, consisting of about six hundred acres, on the bare assertion of a district land Commissioner, that it belonged to another person, who had sold it to the Government. It is stated that the land belonged to Teira and a few other persons, who were the real owners and who have sold it to the Government;—that Teira's title to the land was 'carefully investigated, and found to be good;—that Wiremu Kingi and those who acted with him had no title to it;—that "Wiremu Kingi never pretended to deny Teira's right of property, but insisted on his own right to put a veto on all sales at Waitara." I deny the truth of all the statements. I am prepared to prove their falsity here, where evidence can be obtained; but I must, under the present circumstances, in the absence of documents, endeavour to do so by the use of such arguments as can be appreciated at a distance. I must, however, make a few preliminary remarks. The ownership of the land ought to have presented but few difficulties to the land Commissioner. It was not wild land, land which the tribe who occupied it had conquered from other tribes. On the contrary, it was land which had been owned by the tribe for many generations, and had been subdivided into small allotments among upwards of fifty occupants, with boundaries accurately defined by stone posts, which had existed for ages. I should perhaps say that all the claimants belong to one tribe—Ngatiawa. Some years before the establishment of the British Government in New Zealand, a large portion of the tribe migrated to the southward, to Cook's Strait, for the purpose of being near whalers, and obtaining English goods. William King was one of this party. Subsequently Waikato attacked that portion of the tribe which remained at Waitara, and defeated them. But they never held possession of the land, and consequently never acquired any title to it. William King, it will be observed, was never conquered or driven from his land. Before New Zealand became a British colony, he informed me of his intention to reoccupy it. The statement, therefore (page 4), that "Ngatiawa had been dispossessed by Waikato," as being at variance with fact, is highly offensive to the natives; and it certainly is not very easy to ascertain the purpose for which it has been advanced, as the present dispute is not between Ngatiawa and Waikato, but between members of the former tribe only. * * *

But with regard to Teira's right to sell, which is so positively asserted, and on the supposed validity of which a war has been commenced at Taranaki, can I expect to be believed in England when I assert, as I do unequivocally, that Teira's father Tamati Raru, through whom alone the son could lay claim to any land as inherited by him from his ancestors, is still living, and opposed its alienation? Teira's father is indeed the owner of a small portion of the block; but it would be irrelevant to the purpose of my present argument to discuss his right to sell, inasmuch as he refused to do so, and co-operated with William King in opposing his own son up to the very commencement of hostilities. I feel that nothing I could add to this fact would tend to strengthen the assertion I make, that the claim set up on behalf of Teira to alienate the whole block of land is altogether untenable.

But perhaps the most extraordinary statement made is, that William King "never denied Teira's right of property." The document goes further and says (page 4, c. 11): "It is not disputed by any one." I have already cited the Governor's own admission that William King positively told him that "Waitara was in his hands," and that he would not part with it. I am unable to conceive in what manner the old Chief could more distinctly deny his opponents' title. It is true Mr. Parris, the District Commissioner says that, in answer to his question—"Does the land belong to Teira and his party?" he replied—"Yes; the land is theirs, but I will not let them sell it." I am credibly informed that the Chief did not intend to convey the meaning here attributed to him; that what he said was, that Teira and his party were part owners of the land, but that did not justify them in selling the whole. I can easily conceive how such a mistake would arise, as it is quite in accordance with the idiom of the *Maori* language to begin an objection by "Yes," *i.e.*, "you are right to a certain extent, but, &c." And that was exactly the Chief's meaning; Teira has a right to a small part; but he wishes to avail himself of that to establish a claim to the whole block of land now under discussion, and that I will not allow him to do. Here the irregularity of the whole proceeding