

NATIVE AFFAIRS.

"matter [of the sale]. When I get there, one side of the river shall be yours and the north side mine, whence I can look out for the Waikatos in case that tribe should meditate an attack upon us." (26). "This was publicly stated by Mr. McLean at the Kohimarama Conference, adding: 'That was his word which is retained in the memories of myself and others here present who heard what passed between us.' (27)."

- (26) *McLean, Speech at Kohimarama.* App.: p. 34
(27) *Ibid.*

"Further evidence of his intention is afforded in a proposal which he made to Te Teira. 'When Wi Kingi thought of returning to Waitara he sent to Teira, and said: 'Let us return to Waitara, you take one side, I will take the other, as Waikato gives us permission to return.' (28)."

- (28) *McLean, Speech at Ngaruawahia.* App.: p. 33.

"Under these circumstances the Government no further opposed the return of Wiremu Kingi, and the migration took place in April 1848."

31. His Excellency's Despatch then proceeds to describe the transactions from 1848 to 1859 as follows:—

"The immediate fruit of Sir George Grey's arrangement in 1847 was the acquisition of the 'Grey Block,' immediately adjoining the 'Fitzroy Block' of 1844. In the early part of 1848, just before Kingi's migration, the 'Bell Block' was acquired. I desire, in connexion with this last purchase, to bring three things to the notice of Your Grace.

"In the first place: the land was bought from the Chief Rawiri Waiaua, and a part of the Puketapu section of the Ngatiawa Tribe, in the teeth of the most determined opposition from the Chief Katatore and others of the same family.

"Secondly: Wiremu Kingi, who was at Wanganui at the time, on his way up with the migration from Waikanae, put in a claim to the land, which was met in the way thus described by Commissioner McLean in a speech to the Conference of Chiefs at Kohimarama: 'He met me on this side of Wanganui, and said to me, 'Do not give the payment for Mangati. I am willing that it should be sold, but I have a claim on it; let the payment be kept back until I arrive there; when I am there let it be given.' I replied, 'It is well, William.' Some months afterwards I called together all the people of Puketapu, and other places, to receive the payment. William King was also invited to be present to witness the payment. He came; and when the goods had been apportioned out among the several divisions of Tribes I looked to see what portion was assigned to William King. None appeared: he got nothing. I therefore came to the conclusion that William King had no claim at Mangati' (29).

- (29) *McLean, Speech* App.: p. 34

"Thirdly: the purchase of the Bell Block received in 1855 the unqualified approval of the Bishop of New Zealand, who, in his Pastoral Letter to the members of the Church of England at New Plymouth, said:—'This happy result may fairly be attributed to the judicious manner in which the purchases were completed.....The whole business, conducted with the greatest fairness and publicity, was concluded to the satisfaction of both Native and Europeans' (30).

- (30) *Bishop of N. Z.,* App.: p. 53.

"In further pursuance of the same plan, the Omata Block, the Tataraimaka Block, the Hua Block, the Tarurutangi Block, and other smaller pieces of land, were successively acquired under the immediate control and supervision of Commissioner McLean; who says, 'The whole of the purchases previously made at Taranaki had been effected on the same principle as the present one from Te Teira, namely, that of acquiring the land from the different clans and subdivisions of clans which came in from time to time to offer it' (31). No such thing as a 'seigniorial right' was ever recognised, either in Wiremu Kingi or any body else. No general tribal right or right of Chieftainship was allowed to interfere with the rights of the several *hapus* or families to dispose of their lands to the British Government (32). At first the resident Natives objected, that 'it would not be right to entertain the claims of the absentees who forsook the land, and took no part in defending it against the Waikatos' (33). But in every one of the purchases a portion of the payment was reserved for the absentees who had any claim, and these payments duly appear in the public accounts (34)."

- (31) *McLean, Evid.* App.: p. 37.

- (32) *Ibid.*

- (33) *McLean, Speech,* App.: p. 34.

- (34) *Public Accounts,* Gen. Assembly Pap.

32. The facts of the case are thus entirely against the conclusion which Sir William Martin affirms, or rather insinuates than affirms, in favor of the Tribal title of the Ngatiawa. It is submitted that the first of the Government counter-propositions is now fully established, and that it is proved, that *No such thing as Tribal Right has ever been recognised or can now be considered to exist amongst the Ngatiawa of Taranaki. During a long course of years every transaction has proceeded upon the basis of the non-existence of any such right; and the precedents of former purchases have, in this respect, been strictly followed in the Waitara case.*

33. Before finally quitting the 2nd section of the pamphlet, a few detached points require notice.

At page 16, Sir William Martin cites Mr. McLean's Report of the 17th December, 1844 (35), to shew that, at that time, the few occupants of the Taniwha and Waitara did not consider themselves empowered to negotiate for the sale of the land in their neighbourhood, "without the consent of several absentee Chiefs residing at Kapiti who owned the greater portion of the land." This certainly (notwithstanding Sir W. Martin's frequent italics) proves nothing in favour of Kingi's alleged paramount rights, but rather makes against them. Amongst the several chiefs referred to, no doubt, some of the present sellers were included.

- (35) *McLean, Report,* App.: p. 20.

34. At page 16, in giving an account of the Pas on the Block, Sir W. Martin should have stated, that Kingi's pa at Waitara, by the confession of his hottest advocate (36) did not stand on his own land, but "a few chains nearer to the water side than it would have stood had it been erected on his own land." It was in fact erected there by the permission of Teira's father, Tamati Raru, who is one of the sellers (37). It ought further to be stated, that Te Teira's party did not live in the same pa with Kingi, but occupied an adjoining pa, called Hurirapa, from which all Teira's letters are dated. More particulars respecting the occupation of the land will presently be given.

- (36) *Archdeacon Hadfield, Letter.* App.: p. 59.

- (37) *Hadfield, Evid.* App.: p. 61
McLean at Kohimarama, Ib. p. 33.
Parris, Report, Ib. p. 38.
White, T. Herald Ib. p. 54.