

# FURTHER PAPERS

RELATIVE TO

# NATIVE AFFAIRS.

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LETTER FROM THE BISHOP OF WAIAPU TO HIS EXCELLENCY THE  
GOVERNOR, ON THE PRESENT SYSTEM OF PURCHASING LAND FROM THE  
NATIVES, WITH REMARKS BY MR. McLEAN THEREON.



# FURTHER PAPERS RELATIVE TO NATIVE AFFAIRS.

No. 1.

BISHOP OF WAIAPU TO HIS EXCELLENCY THE GOVERNOR.

Auckland, June 5th, 1861.

SIR,—

I venture to address a letter to Your Excellency, upon the difficulties of the Native question, though it be at the risk of being charged with interfering with that which does not belong to my province. And yet I feel that every Englishman is bound to promote to the utmost the establishment of a better feeling between the two races which inhabit this country.

An attentive examination of the past history of the Colony will at once shew that the grand reason for distrust on the part of the Natives has been a conviction that their country was about to be taken from them, not in the way of fair purchase, but by force. At the meeting held at Waitangi, in the Bay of Islands, in February, 1840, where the conditions of the Treaty of Watangi were laid before the assembled Natives, certain Chiefs of great influence objected to them, stating that the Treaty would deprive them of their lands, that it was smooth and oily, but treachery was hidden under it. On occasion of the outbreak under Heke, in the year 1844, Heke states in a letter to the Governor "The white people said to me 'John Heke, your land is taken by the Governor.' I replied, 'By what means is it taken?' The white people answered, 'By the flagstaff which stands at Maiki.'" Blue Book, 1845.

No uneasiness, however, was occasioned to the Natives by the old land purchases made before the Government was established, for Mr. Shortland, in a letter to Lord Stanley, shewing that the disturbances at the South had originated in the interference of the Company, or their settlers, with land never sold by the rightful owners, says that, "in the Northern district, out of 750 claims of the old settlers, which had been adjudicated by the Commissioners, not one single instance of any objection being offered by the Natives to the taking possession of the lands awarded to the claimants had arisen." Papers laid before Parliament, March 7, 1845.

At the South, the case was very different. The proceedings of the New Zealand Company appear to have been unsound from the commencement. The object of the principal agent of the Company was to present a good report to his constituents in England, and a representation was made that the greater part of the country had been purchased by him, extending from the 38th to the 43rd degree of latitude on the West coast, and from the 41st to the 43rd degree of Latitude on the East coast. But, when the details came to be entered into, there were fearful difficulties at every step. For convenience, I refer to the summary given in Thomson's *Story of New Zealand*; but all his statements may be verified by the Blue Books. "The first location of the Company's settlers was at Port Nicholson, at the mouth of the River Hutt; but this location having been found to be inconvenient, the town was removed to the opposite side of the Harbour, and was called Wellington. Unfortunately this place was inhabited by Natives, who strongly protested against the settlers appropriating land used by them for cultivation. They denied having sold the land, and told the settlers they were acting unjustly. But no physical resistance was offered to the erection of houses, as the Natives were informed by persons collecting signatures for the Treaty of Watangi, that Her Majesty's Government would send magistrates to see justice done them." Thomson, vol. 2, p. 24.

The Company's settlements which followed that of Wellington were Whanganui, in 1840; New Plymouth and Nelson, in 1841. It is not necessary that I should refer to the particulars of the disputes which arose in those districts respectively, together with the fearful massacre at Wairau, and the contest in the valley of the Hutt. They were all occasioned by wholesale purchases made by the New Zealand Company, which, upon examination, were pronounced by the Commissioners to be for the most part invalid. The effect upon the Native mind was at first a distrust in the proceedings of the Company, but afterwards satisfaction, when they found that justice was done to them by the Government.

In the meantime, the purchases which were effected directly by the agents of the Government were executed upon a different principle. The greatest publicity was given. Opportunity was afforded for all objectors to assert the grounds of objection; and no transaction was considered to be complete, so long as disputed claims were pending. These purchases were made chiefly in the neighbourhood of Auckland, and further North.

The purchases which have been made for the last ten years have been effected, I believe, by the present Land Commissioner, or by those who act under his direction. The earliest of these, including the extensive valley of Wairarapa, and other large blocks in the Province of Napier, were made with the general concurrence of the Natives. At least, having been connected with the Natives of that district, I have not heard any dissatisfaction expressed. But, I am sorry to say, I cannot speak with equal satisfaction of other purchases which have followed. In the year

1857, I visited the Natives of that Province, while the Tribes respectively of Te Hapuku and of Te Moananui were fighting. I gathered from Te Moananui's people that the ground of a quarrel, which cost them many lives on both sides, was the land,—that their first land sales had been managed by Te Hapuku at their request, and that the proceeds had been fairly divided,—but that subsequently Hapuku had taken upon himself to dispose of lands to which he had only an indirect claim, reserving to himself the larger share, and in some cases the whole of the payment,—that, at the time when they made this statement to me, Hapuku was living upon their land, and that they were determined he should live no longer upon it, lest he should sell that also.

In a letter written by Renata Kawepo, the principal Chief of Te Paneiri Tribe, to the Superintendent of the Province of Napier, the Native feeling in reference to the late purchases of land is put forth in forcible language. He writes, "Listen, while I tell you of the last errors of Mr. McLean, after we had wiped out his former ones, the mistakes that were made subsequently—viz., Omarutairi and Ngapairuru: these are what I am going to tell you quietly about. Omarutairi was a piece of land held by the owners as a reserve for themselves, the greater part of their possessions being already alienated. When Mr. McLean went to Te Aute, it was reported that this land was sold. The owners went straight off and said, 'Mr. McLean, don't buy that land.' They remained three days, repeating this, and then went away; and afterwards the money was secretly paid to two persons. As to Ngapairuru, this land was for sale,—but, by reason of the faulty purchase, you did not obtain it. This was the fault:—Two men came to sell this land by stealth to Mr. McLean. The owners heard of it, and wrote a letter to Mr. McLean not to pay any money to those men. When they reached Mr. McLean, one of us saw them there, Karaitiana Takamoana, who suspected that they must have come to sell the land secretly. Karaitiana put Mr. McLean upon his guard, who replied, 'You are right, for I have got a letter from Paora Tamaihotua.' Karaitiana read the letter, and then said to Mr. McLean 'This letter is correct. Don't you give any money for the land to these men,—but pay your money into the hands of the Tribe on the spot, that the land may pass with a clear title to you.' Mr. McLean consented to this; and, as soon as Karaitiana was gone, he paid £400, as the price of Ngapairuru. That was the fault in the case of these two men. You appear to suppose that, by getting hold of a single individual, you can gain an advantage over him. Hereafter, whenever a majority consent to a sale, it shall take place. Let us have no more blundering. All our troubles have arisen from faulty working: and on this account it was that the door of selling was shut. But, when the system of buying is amended, the door will be opened, that the sales may be conducted on a regular plan. Whenever the Government shall have laid down some equitable system of land purchase, and when calm is once restored, then the Tribes who are for selling, will sell their lands under a properly regulated system.

"You tell me that our internal quarrels had put an end to the system of assembling us together, that all might witness the alienation of the land; but we see that no land was sold at the time of war,—it was sold before the fighting began, and afterwards, also, when peace had been made, some land was sold. And who was the cause of this? A man who goes up to Auckland, and there sells the land, and the first thing the owners hear about it is that the land is gone. Others went off to Wellington, and there sold; and the first I heard of it was that my own place, Okawa, was gone,—and several others the same. Did these cases arise from the war? You buy inside your houses, and the first I hear of it, a man has passed by with the money, while I am continually saying 'Pay your money in the presence of the Tribe to whom the land belongs, that you may obtain it with a clear title.'"

Further evidence may be gathered, as to dissatisfaction produced in the Native mind by this irregular system of land purchases, from a letter of the Rev. S. Williams, printed in the *New Zealander* of the 11th May, in which particular cases are given; but I content myself with one extract, to shew the connexion of this subject with the Land League, and with the King movement. "The first circular that I saw from the King party," writes Mr. Williams, "relative to the land question, was to the effect that they wished to prevent persons selling land not their own, or not their exclusive property. Some time after this they appeared to be trying to prevent the sale of land altogether, excepting when the sanction of the Maori King was obtained; and, when I enquired the reason, I was told that the object was to protect themselves against a change of circumstances,—that, as long as Sir George Grey and Colonel Wynyard were in the country, they had an appeal, in the event of an unjust sale,—but, since that time, they had been handed over to the tender mercies of the Land Purchase Commissioner, who almost entirely disregarded their remonstrances. I have for some time felt convinced that, if the purchase of land were conducted upon some more satisfactory system than has of late been adopted, and some Court were constituted by the Government more applicable to Maori cases, the King movement and the Anti-land-selling League would speedily crumble away,—and that the whole Maori population would prefer being under British rule, rather than under their own 'runangas,' which are very cumbersome, and, in many instances, severe in their decisions."

I am told that at the present juncture, the point which is most desired by the Government is the abandonment of the Maori King movement. I know too that I speak correctly when I say that the desire is equally strong in the breasts of all those who are designated "Maori sympathisers," and especially of the body of the clergy of the Church of England, and a strong effort has been made to induce the Natives to give up this point. But I much doubt whether just at the present time this object will be effected. The Natives will naturally say we were driven by circumstances to combine in a Land League, and we have felt that our League would best be kept together by having a recognised head, like that which we see in our Maori King; before, therefore, we give up what we

consider as a stronghold, we must be persuaded that we no longer require it. I venture therefore to suggest that steps be taken to assure the Native mind that they shall have no reason for the future to distrust the proceedings of the Government—that regulations shall be laid down with respect to the purchase of land which shall render it impossible for irregularities to occur, such as those of which the Natives have complained. If this course were adopted, I have little doubt but that confidence would be speedily restored; that the King movement would be willingly abandoned, and that the Colony would soon resume its former prosperity.

Feeling that the subject of this letter is of serious importance, may I request that your Excellency will be pleased to direct that a copy of it may be forwarded to the Secretary of State for the Colonies.

I have, &c.,

To His Excellency,  
The Governor,  
&c., &c., &c.

WILLIAM WAIAPU.

## No. 2.

MEMORANDUM OF MR. MCLEAN ON THE LETTER OF THE BISHOP OF WAIAPU.

June 26, 1861.

I have to offer the following remarks upon some of the statements contained in a letter of the 5th instant addressed by Bishop Williams to His Excellency.

With respect to the statement of Mr. Shortland quoted by the Bishop on the subject of the old land claims, it may be proper to refer to the opinion of the Chief Protector of Aborigines, Mr. Clarke, given in July 1845, in the following terms:—

“Notwithstanding the time, labor, and expense which has been bestowed upon the Land Commission, the result of the enquiry has been far from satisfactory. All that has been ascertained is that various Europeans have made purchases from certain Natives; but whether those Natives had a right to sell, or how that was acquired, is still, in the majority of cases, quite a matter of doubt.”

With regard to the purchases of the New Zealand Company, the Bishop says, “The effect upon the Native mind was, at first a distrust in the proceedings of the Company, but afterwards satisfaction, when they found that justice was done to them by the Government.”

An examination of Commissioner Spain's Report will show that in the settlement he endeavoured to make with the Natives, he met with very serious difficulties. He says “In cases where they (the Natives) have only sought for compensation and never denied a partial sale, the moment the amount to be paid to them was decided upon, they began to object to accept it and to propose terms that could not be entertained. In fact it appears to me that they have determined totally to disregard British law and authority; and that they have come to the conclusion that we are not strong enough to enforce the one or maintain the other.”

Bishop Williams is not ignorant of the influences brought to bear against colonizing efforts generally, whether those of the New Zealand Company, the early Settlers, or the Government.

The Bishop expresses himself satisfied with the earlier purchases of the Land Purchase Department, but finds fault with the latter ones. He fails, however, to show that the latter are conducted on any different principle. The fact is that the system pursued has been the same throughout. The change has not been in the system but in the views of the Natives. That a great change has taken place in these is beyond question, and could hardly escape the notice of an attentive observer. The Bishop, however, either ignores or overlooks this feature of the case.

The reference by Bishop Williams to the Hapuku feud, shows that he obtained his information from one of the parties only. Had his enquiries been more impartial, he would have discovered that the land question was only one among the many elements in this feud. The extreme rivalry and jealousy existing between Te Moananui and Te Hapuku, years before any land was acquired by the Government in that District, were well known to every person who had any acquaintance with those tribes.

Had the Bishop taken pains to inform himself thoroughly on this subject, he would have found that the land selling, as far it had formed an element in the dispute, had been completely eliminated from the question.

As the Bishop has chosen, by quoting Renata's statements, to endorse them, I feel called upon to give them that notice which I should not otherwise have done. I regret very much that the Bishop has condescended to found his animadversions against the Land Purchase Department, on the unproved assertions of others, rather than upon facts coming under his own observations. I cannot believe that he is aware of the position in which he is thus placing himself as the apologist of the Maori King and Anti-land-selling League.

It is perhaps, however, doing the Bishop no injustice to assume that his sympathies were with the latter movement, and that the Natives generally in his Diocese have for many years fully understood that such was the case, in evidence of which I would refer to a letter of his own dated 18th January, 1854, addressed to an important Cmet near Table Cape, in which he exhorts him not to alienate any lands to the Europeans. I herewith enclose a copy of the letter.

In proof that his teaching was not without its fruits, I may also refer to another letter which he addressed to me in reference to land for a school at Waerengahika. "You are aware of the extreme jealousy entertained by some of the Natives in reference to their lands not having any foundation in fact, but not the less real in their estimation. There is less of this feeling where the Natives have sold land to the Government, as at Ahuriri, but they have had all sorts of ideas, supposing that the Government was going to take forcible possession of their lands. It was simply this feeling which excited John Heke to his hostile movements. I know not from what sources these ideas have sprung, but I have had from time to time to contend against them, particularly on Mr. Wardell's arrival here. If, then, I were now to ask them for a new Deed, as proposed, they would one and all accuse me of having deceived them."

In connection with this subject, I would recall His Lordship's recollection to a letter which he addressed to me referring to the advantages of the present system of acquiring land for promoting systematic colonization, and stating his conviction that the large and valuable tracts purchased by me at Ahuriri could never have been satisfactorily acquired if the Native Territorial Rights Bill, brought forward in the Session of 1858, had been in operation.

I may state that the present Governor has given more stringent instructions in reference to the careful conduct of land purchases than any of his predecessors, and so far from the Natives being handed over to the tender mercies of the Land Purchase Department, they invariably had free access either by writing or otherwise to His Excellency, when they had any grievance to state. Numerous instances might be cited where the Governor and the Land Purchase Officers have refused to entertain offers of valuable tracts of country from an apprehension that their acquisition might lead to difficulties and disputes, or be otherwise prejudicial to the interests of the Natives. This has been done to the extent of creating ill-feeling towards the Government in the minds of the Natives offering their land. I shall now advert to the purchases in the order in which they are referred to in the Bishop's letter. First, Omarutairi: This block of land was acquired from the acknowledged owners, after several discussions had been held on the subject at Te Aute and elsewhere. A section of the Natives living near the land had become members of the Anti-land-selling League, and they opposed the sale. In this course, they were aided by delegates from Waikato, and while they fully admitted Heneipaketia's right to dispose of the land, they pleaded, as their reason for not joining in the sale, that they had resolved to combine against all sales to the Government. In treating with this case, I was compelled either to admit the right of the Anti-land-selling League from Waikato, or pay the owners of the soil for what they had an undoubted right to dispose of. The sale was afterwards ratified by a large portion of the Ngaitahu tribe at Wairapa, to which tribe the opposing Natives belonged. The deed for this purchase was signed not by two, but by four persons, whose signatures are attached to the deed, and witnessed by the principal Chief of the district and others, as well as by Mr. Cooper, so the money could not, as represented, have been paid secretly.

Second, Ngapairuru: This is a block of land in the Porangahau district, which was under offer to the Government for several years. It has been in the occupation of two stock holders, and it was most desirable that it should be purchased. Kuru, one of the most influential young chiefs at Porangahau, and another Native, Wi Matua, represented as one of the principal claimants, paid me a visit at Ahuriri, and informed me that they and their tribe were prepared to dispose of the land, and asked for an advance on account of it. I hesitated about making the required advance until I could gather further information as to their power to act for the tribe. I asked Karaitiana, who was then at Napier, if I should be safe in making the advance. His reply was, to give part of the money and settle the question afterwards with the tribe. After waiting several days for Paora, another Porangahau chief, I arranged with the Natives to take a part of the purchase money, £300, on to Porangahau, there to await my arrival, when I should apportion it among the claimants: I expected to pay a further sum of £400 for the block. In the meantime, the Waikato delegates and those who joined them, started to Porangahau and took the money from the Natives, using every means in their power, first by persuasion, and when that failed, by threats, to prevent the owners from completing the transaction. Acted upon by these influences, some few of the claimants declined to proceed with the negotiation. The King party offered to return to me the money advanced, which I declined, telling them that I could not recognize their pretensions to interfere, and would only deal with the real owners. I deny that this land has been purchased from two individuals, or that it has been purchased at all.

The transaction has yet to be completed. The parties named certainly signed a deed ceding their claims, but beyond this, nothing further has been done in the matter.

I trust the Bishop, when he next conceives himself called upon to criticise the proceedings of the Government in reference to matters unconnected with his duties, will support his assertions by something better than mere hearsay evidence derived from the members of Anti-land-selling Leagues or their sympathisers.

DONALD McLEAN.

## Enclosure in No. 2.

Turanga, January 18, 1854.

MY FRIEND, TE MATENGA,—

I salute you. Here is Te Rongowhakaata (a tribe residing at Turanga), about to go to see you, to talk over matters relating to this world. Friend, the report of your intention to sell land has

come hither. Sir, never before has such a foolish intention been devised. It might have been thought that, having become possessed of horses and cattle, your plains would have been fully occupied. Where is there room for both you and the Pakeha in that small tract of country. This is the thought of a madman. Let it be cast aside entirely (abandoned and given up). Is there indeed a cultivation for you upon the summit of Maunaukai? (A figurative expression for rashly giving up the means of sustenance.) Have a proper care and consideration for your children, and for your grand-children. Where is the land for Te Mauparoa and for Tamati Te Putaranui, for they are on the sea coming hither. Do you, Ihaka, Te Waka, and Tamihana, give heed to the words of Rongowhakaata, that you may be free to take hold of the things of God.

From your loving friend,

TE WIREMU (Williams.)

Te Matenga, Tukareaho.

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