

FURTHER PAPERS

RELATIVE TO

NATIVE AFFAIRS.

INDIVIDUALIZATION OF NATIVE TITLE.

[In continuation of Papers presented on 17th July, 1861.]

PRESENTED TO THE HOUSE OF REPRESENTATIVES BY COMMAND OF HIS EXCELLENCY,
AND ORDERED TO BE PRINTED.

FURTHER PAPERS RELATIVE TO NATIVE AFFAIRS.

No. 1.

LETTER FROM TAREHA AND OTHER NATIVES OF HAWKE'S BAY, TO THE PROVINCIAL COUNCIL
THEREOF.

Pepuere 6, 1861.

“Kahore a Karaitiana, a Tareha, me Renata i mahara i te timatanga, kia retia o ratou whenua ki te Pakeha, na te pokanoa o nga hipi me nga kau a nga Pakeha i timata. Ko ratou ko nga Maori i tono utu atu i nga Pakeha mo te kainga a a ratou hipi me nga kau i nga tarutaru o ratou whenua. A no te kitenga, i runga i te kahanga o te ture, e kore e marama te rapa utu, ka ki ratou,—kati, ra, ko nga kau me nga hipi me whiu atu. Ko ta ratou i pai ai, ko nga reti mo nga tau kua hori atu me whakarite; a, ka oti ena, ka tahi ka tika, ka pai kia, huihui te Runanga Pakeha me nga Maori, ka whakarite i tetahi ture e pai katoa ai nga Pakeha me nga Maori. Ka tango ratou (nga Maori) i ena utu (ara i nga utu o nga tau ka hori atu) ka tahi ka tino ahei ratou, ka ata kite hoki i te painga i te kinonga ranei o te reti i o ratou whenua ki nga Pakeha. (Ko te tikanga o tenei kupu, koia nei, tera ano pea nga take e rere ke ai nga whakaaro kaore nei e kitea i naianei.) E mahara ana ratou (nga Maori) kei te kino kei te he te ture. Ko nga tarutaru e tango utu nei ratou (na nga Maori), e hara i te Pakeha. E kore rawa e ahei te arai atu nga kau me nga hipi a nga Pakeha i te roanga o te takiwa e takoto taiepa kore ana aua whenua; ko nga kau ki te takahi i nga kai a nga Maori, ka tango utu ai ratou (nga Maori). Ka kore, ka kia kia whiua atu nga kau, he aha koa kaore e tino whakaae o ratou ngakau. Kei te mahara pea nga Pakeha he ture pai te Ture Hoko Whenua i nga Maori, ko ratou ko nga Maori ki te maraha he ture kino, he rawa atu to ratou whakaaro kia whakapoharatia nga Maori, ma reira e tahuri ai ratou ki te hoko i o ratou whenua. Otira e tino whakaae ana ratou ki taua ture na te nui rawa o nga kau me nga hipi a nga Pakeha i whakawhiu i a ratou kia anga ai ratou ki te tohe utu. E whakaae ana ratou i naianei, kia waiho o ratou whenua hei whangaitanga kau, hipi, ki te whakaae nga Pakeha kia utua te kainga a ana kau me ana hipi i nga tarutaru. Ko nga whenua e whakaaetia ana hei tunga kau, hipi, ka whakaaturina nga rohe: Ka haere atu i Nepia tutuki tonu atu ki te awa ki Ngaruroro a tae noa ki te awa ki Waitahora tutuki noa ki te Awanui; a ka haere atu na uta tika tonu atu ki te whenua e nohia na e Te Hapuku. Ko Waitahora te rohe ki te taha ki raro, ko te rohe tika atu ki, te kainga o Te Hapuku te rohe ki runga. Ko te whenua i tera taha o Ngaruroro, o Waitahora; Kei te nohia tetahi wahi e te Maori, te tetahi wahi e te Pakeha, a, era pea e taea te whakaaro te tahi tikanga mo reira. Mehemea e whakaae ana nga Pakeha ki te utu, e whakaae tonu ana ratou (nga Maori). E pai ana. Ki te kore ratou e utu e pai ana (ko te tikanga o tenei kupu kei te Pakeha te retenga). Otira he kino te mutunga. Ka mutu nga korero i whakaaetia e Tareha, e Karaitiana, e Renata kia korerotia e te kai korero; ko te nuinga o nga utu me etahi atu whakaotinga tikanga ma ratou ano (ma nga Pakeha me nga Maori) e whakarite. Ko ta rotou i hiahia ai kia whakahokia atu he utu mo tenei pukapuka e te Runanga Pakeha, me a ratou whakaaro hoki me enei korero. Mehemea ka ki te Renunga kia whai taima hei whakaarotanga, a, tenei ano hoki tetahi korero ana (a te Maori).”

Ki te Runanga.

Kia mihi atu matou kia koutou. Tena koutou e te Runanga, i roto i te atawhai o to tatou Matua. E ta ma, ka tahi ka kitea te kotahitanga o te tikanga ma tatou, ma o konei tangata. Kahore hoki he putake kino ke atu; ko nga take kino, he whenua anake. Koia hoki ko tatou kia marama nga wahi pouri i a tatou; ko te mutunga tenei, ka homai hoki e koutou te pukapuka wawao o te raruraru i a tatou; ko tenei ki te haere pai a tatou korero o tenei Runangatanga i te ra kotahi he mea tika kia tuhaina atu hoki ki o tatou whanaunga e noho mate ana i tenei tu mate. E ta ma, he ora tenei; ka rua nga ora ka kitea e tatou, ko te pukapuka nei tetahi. Ko nga tarutaru kia tuhera mai i a tatou te tiki atu i te wahi ngaro e takoto ana, na ta tatou korero i tiki atu i tukua mai ai, ka pai me penei katoa i e tahi wahi atu. Ko te mutunga tenei o te raruraru o konei ka kitea nei e tatou. Koia hoki, ki te mea ka kitea etahi tangata Pakeha, Maori ranei, e noho tautotohe ana me penei te whakamutunga o ta raua na tautotohe me te mutunga o ta tatou. E hua ma kia kotahi te ra i korerotia ai e tatou tenei painga, kia maha nga ra nga tau e nohoia ana e ona painga kia haere hoki i nga ra katoa e ora ai o tatou tinana ki te puta he mea whakahe mo tenei mea ka mahia e tatou. Ka mutu tenei, he whakatupato tenei na matou mo tatou tahi ki te toe atu tetahi mea whakahe a koutou hei a muri atu ka whakaatu mai ai e koutou e hara tena he ia matou ki te puta mai a koutou whakaaro kaua e ngaro atu etahi, a koia ano ka ora tonu tatou i tenei ara mate o tatou, ka pai hoki kia riro atu tenei ora i era tangata atu o etahi whenua ke atu ko te tuba atu i a tatou korero e ki atu nei e matou ki a matou korero me hoatu kia taia, kia rua ai nga kanohi hei kite, kia rua nga taringa hei rongo, kia rua ai nga iwi hei hapai i tenei pai.

Hoti ano ka mutu

NA TAREHA,
NA RENATA TAMAKIHUKURANGI,
NA KARAITIANA,
NA TE WIRIHANA TOATOA.

[TRANSLATION.]

6th February, 1861.

“Karaitiana, Tareha, and Renata, did not design, in the first place, to lease lands to the Europeans but the trespassing of the cattle and sheep belonging to Europeans brought it on. They (the Natives) required payment for these sheep and cattle grazing on their lands; and when they found that, in consequence of the law, they would not be allowed to receive payment, they said,—Well, then, the stock must go off. It was their desire that their claims for past years should be satisfied; and, when this was done, it would be right and proper that the Council and the Natives should meet together, and arrange a law which would be satisfactory to all parties. After they (the Natives) received such payment, they would better be able to say what would be the effect of leasing their lands to the Europeans. (Implying that this step might have consequences they could not now foresee.) They believed the Ordinance to be wrong, incorrect. The grass for which they asked payment belonged to themselves, not to the Europeans. It was impossible to keep the cattle and sheep off their lands so long as these were unfenced; the cattle would trespass, and they (the Natives) should receive payment. If not, they would have to turn them off, although they did not wish to do so. The Europeans might consider the Native Land Purchase Ordinance a proper law, but they (the Natives) consider it unfair and unjust—intended to force them to sell their lands. But still they would be perfectly willing to submit to it were it not that immense numbers of sheep and cattle belonging to Europeans compelled them to seek for payment. They were now willing that their land should be used by sheep or cattle if the owner was willing to pay for the grazing of the same. The lands which could be so occupied he would describe:—From Napier to Ngaruroro river; following the course of Ngaruroro to the Waitahora stream; following the course of the Waitahora to Awanui; and thence, a line to the land occupied by Te Hapuku. The Waitahora was the lower boundary, and the line to Hapuku's land the upper. The land on the other side of the Ngaruroro and Waitahora was partly occupied by Natives, and partly by Europeans, and would probably have to come under a different arrangement. If the Europeans were willing to pay, they (the natives) would be satisfied; it was good. If they did not pay, it was good also, (meaning that the responsibility then rested with the white man), but that evil would flow from it. This was all the witness was commissioned to say from Tareha, Karaitiana, and Renata; the amount of payment and other details would have to be a matter of arrangement with the parties themselves. It was their wish that an answer should be returned from the Council with their opinions on the matter. If the Council said that they must have further time for consideration, then he had something else to say.”

To the Council.

Our love be with you. We salute you, the Council, in the love of our (common) Parent. At length is found a method of uniting our common interests; that is, of the inhabitants of this place. There is no other first cause of evil than that of land alone. Let the dark places (or sources of evil) amongst us be cleared up. Our consultations on this matter are ended, and this is the ending, namely:—that you Pakehas give us writings (Crown titles) to separate us from the contentions between us. If we come to a fair and mutual understanding in this Council on this one day, let it be made known to our friends who are suffering from the like evils, (that is to other tribes of the Island). Friends,—This will indeed be a healthy state of things. Two satisfactory results will arise from it. First, the writings (or Crown titles); and, second, the grass will have been thrown open by our bringing it (the grass) out from the hiding place where it is lying (alluding to the Native Land Purchase Ordinance). If our consultation be the means of getting (this thing) granted to us, is good: let it also be the same in all other places. Let the power of our words, and the safety (and prosperity) arising out of them be known to every man. This which we have fixed upon will be a means of settling difficulties (or contentions) here. And if any others see this—Pakeha or Maori—who are now living in a state of dissension and disagreement, let them follow our example, and let their ills be cured as ours.

Friends,—We have spoken of this good thing on one day (only), but let its beneficial influence extend over many days and years; let it be continued every day of our lives, and anything if occur to prevent its operation, let us together rectify it. This is a precautionary measure on our part for the benefit of all (of both races here).

If there be any other thing (law) of yours unrevealed (bearing on this question) you can shew it to us at a future period. *That fault will not be ours.* If you speak to us on this subject let all be said, leave nothing behind. We shall then indeed be safe (or rescued) from this source of danger and trouble. And as we have found a means of getting out of these difficulties, let also the men of other lands (or districts) enjoy the same advantages. Let our words on this matter be printed, so that they may be seen by two faces, heard by two ears, and adopted by two races.

This is all from

RENATA TAMAKIHIKURANGI,
KARAITIANA TAKAMOANA,
WIRIHANA TOATOA,
TAREHA.

No. 2.

PETITION OF THE PROVINCIAL COUNCIL OF HAWKE'S BAY.

To His Excellency Colonel Thomas Gore Browne, C.B., Governor of New Zealand, &c., &c., &c. The Petition of the Provincial Council of Hawke's Bay in Council assembled, respectfully sheweth,—

That in the opinion of this Council the prosperity and progress of this Province are very much impeded, and the development of its resources retarded by the existing laws in relation to the acquirement and occupation of Native lands.

That the Native Title to about half a million of acres, available for agricultural and pastoral purposes, is still unextinguished, and that the lands held by the Government and Natives, in some instances, lie in intersecting blocks which render it extremely difficult to prevent the rapidly increasing flocks and herds of the Province from trespassing and depasturing on Native lands.

That many persons, some from conscientious and others from selfish motives, refuse to give any consideration for such trespass, and a bad feeling is thereby engendered between the two races, which may at any time break out into open violence.

That ever since Europeans located themselves in this Province, the provisions of the Native Land Purchase Ordinance have been repeatedly infringed, and although several attempts have been made to put them in force they have virtually been unsuccessful.

That in the opinion of this Council the Natives of this Province will not for many years sell much more land to the Government under the only system by which they can at present be lawfully acquired, and it is the firm conviction of your Petitioners, that by providing some more suitable method for the acquirement and occupation of their land by Europeans, the prosperity of the Province would be greatly promoted, population and exports would rapidly increase, and the peaceful relations between both races would be secured by their having a mutual interest in each other.

That the most important agricultural district in the Province is still in the hands of the Natives. It comprises about 50,000 acres and is contiguous to the Harbour, and we have just grounds for believing that if the Government would legalize some other and more suitable method under which these lands could be beneficially occupied, the Natives in this Province would speedily acknowledge, reciprocate, and assist such endeavour to remove the great obstacle that at present exists to more friendly and satisfactory relations between the two races.

We believe that the making of such provision as would permit the beneficial occupation of Native lands would reassure the Native mind in reference to the land question generally, and would lead them to agree willingly to, and assist in the individualization of their titles.

It is also the opinion of this Council that the Natives would willingly contribute towards the making and repair of roads and other public works if allowed to exercise the same rights of ownership with regard to their lands as those enjoyed by Europeans.

Your Petitioners therefore respectfully request that your Excellency will as soon as may be, take the subject of this Petition into your favourable consideration, and provide such means as will conduce to the profitable occupation of the agricultural and pastoral lands of the Native population of this Province.

And your Petitioners will ever pray, &c.

JOHN TUCKER,
Speaker.

No. 3.

MR. GISBORNE TO THE SPEAKER OF THE PROVINCIAL COUNCIL, NAPIER.

Colonial Secretary's Office,
Auckland, 20th June, 1861.

SIR,—

I have the honor by the direction of Mr. Stafford, to acknowledge the receipt of a Petition of the Provincial Council of Hawke's Bay to the Governor, on the subject of the acquisition and occupation of Native lands, and to inform you that that Petition has been duly laid before His Excellency.

The Government entirely concurring with the general views expressed by the Petitioners, is convinced that the individualization of Native lands, and their investment with a Title from the Crown, are measures essential to the best interests of both races, and accordingly its best efforts will continue to be directed to the attainment of that object.

I have, &c.,

W. GISBORNE,
Under-Secretary.

The Speaker of the Provincial Council,
Napier.

No. 4.

MR. STRODE TO THE NATIVE SECRETARY.

Dunedin, 20th November, 1860.

SIR,—

I have the honor to report that the Natives residing on the Reserve at the Heads of Otago Harbour and those at Aparima on Jacob's river, have at length consented to a proper division of the land with the view of individualizing their holdings, and that they are now perfectly willing to cede the Reserves to the Government on condition of their receiving Crown Grants for the portions allotted to each individual or family. They have requested me to beg of you to be good enough to obtain the sanction of His Excellency the Governor to the employment of a surveyor to lay out the allotments in proper form, the Natives themselves being perfectly willing to assist in cutting lines or otherwise in the performance of the work.

I apprehend that the Government will not object to bear the expense of the survey of these Reserves, considering the great advantages that will accrue from the plan contemplated; and I would urge strongly the necessity for prompt action to be taken in the matter as, should any length of time elapse before concluding the arrangement, I fear it would involve considerable trouble hereafter, if not the entire abandonment of the idea on the part of the Natives.

I have, &c.,

Donald McLean, Esq.,
Native Secretary, Auckland.

A. CHETHAM STRODE,
Assistant Native Secretary.

No. 5.

ASSISTANT NATIVE SECRETARY TO MR. STRODE.

Native Secretary's Office,
Auckland, July 13th, 1861.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 20th November last, reporting that the Natives residing on the Reserve at the heads of Otago Harbour and those at Aparima on Jacob's river had consented to a subdivision of their land, and were anxious to have it laid out in allotments by a surveyor.

I much regret the delay that has taken place in replying to your communication, and hope that it may not affect the carrying out the proposed arrangement. It was the intention of Mr. Richmond to confer with you personally on the matter when he last visited Otago; your letter was taken by him to the South for the purpose, and appears to have been mislaid.

I have now the honor to convey to you the authority of His Excellency the Governor to employ a surveyor to subdivide these reserves in accordance with the wishes of the Native proprietors who should each be furnished with a plan of his own allotment. For this purpose you are authorised to incur an expense not exceeding £250, to which amount advances will be made to you by the Sub-Treasurer at Dunedin on your requisition; such advances to be accounted for in the usual manner.

It has been considered expedient to carry out this arrangement as a preliminary one, and that one year should then be allowed to elapse before anything further is done in order to avoid present suspicion or misunderstanding in the minds of the Natives or inconvenience hereafter, which might be the result of now requiring a cession to the Crown, and granting conveyances to individuals before time is given for the apportionment to become well understood and fully established in the minds of the Natives.

I have, &c.,

T. H. SMITH,
Assistant Native Secretary.

A. C. Strode, Esq.,
Assistant Native Secretary, Otago.

No. 6.

Kaikohe, Hune 22, 1859.

E hoa e Te Kawana,—

Tena ko koe. He hiahia ano taku ki a koe kia mea atu ahau ki a koe mo te mapi o taku whenua kia hiritia no te mea kua oti te eka e Te Pepene, no te mea hoki kua tukua e ahau te moni e £40.

Kahori he pai kia waiho noa te whenua kua oti te ruri i te mea hoki kuinitia te whenua me nga tangata hoki i raro i te maru kotahi o Te Kuini, whakaatia mai e koe.

Heoi ano aku kupu ki akoe.

Na to hoa,

Kia Te Kawana,
Kei Akarana.

Na TE HIRA PURE,
Kai-whawa Maori.

[TRANSLATION.]

Kaikohe, June 22, 1859.

Friend the Governor,—

Salutations to you. I wish to say something to you respecting the map of my land. I wish (to get a Crown Grant) it to be sealed, as it has been surveyed by Mr. Fairburn, and I have paid the money, £40. There is no use in allowing land to lie idle which has been surveyed, as both the men and the land have become the Queen's, both are under the Queen's shadow; it will be for you to give your consent. This is all I have to say to you.

From your friend,

HIRA PURE,
Native Assessor.

To His Excellency the Governor,
Auckland.

No. 7.

Akarana, Akuhata 19th, 1859.

E hoa e Hira Pure,—

Tena koe. Kua tae mae nei to pukapuka o te 22 o nga ra o Hune mo te mapi o to whenua i runitia e Te Pepene, kia hiritia, kua kite hoki a Te Kawana i to kupu na tenei ta te Kawana, me he nea mai tau ki te Karauna Karaata kia hoatu ki a koe e kore e ahei kahore hoki e tika, e araia ana e te ture te tukunga karauna karaati mo nga whenua kahore ano kia tukua mai ki a Te Kuini, ara mo nga whenua kahore ano kia mutu noa te tikanga Maori i rungi; engari na korero korua ko te Henare Kepa kia ata mohiotia te tikanga o to korere he pehea ranei, he pehea ranei.

Naku, na to hoa,

Kia Te Hira Pure,
Kei Kaikohe.

NA TE METE.

[TRANSLATION.]

Auckland, August 19, 1859.

Friend Hira Pure,—

Greeting. Your letter in which you desire that a map of your land surveyed by Mr. Fairburn should be sealed has been received. The Governor has seen your words. The Governor says that if you desire a Crown Grant to be given to you, this cannot be done, as it would not be in accordance with the Law to give Crown Grants for lands which have not been ceded to the Queen, that is, for lands over which the Native Title has not been extinguished. But do you talk with Mr. Henry Kemp in order that it may be clearly understood what it is that you wish.

From your friend,

SMITH.

To Hira Pure,
Kaikohe, Bay of Islands.

No. 8.

Kaikohe, Hanuere 5, 1861.

E hoa e Te Kawana,—

Tena ra ko koe, tenei te kupu o ta matou runanga kia a koe, E hiahia ana matou, kia whakaaturia he Ture mo nga pakeha ruri whenua e tangohia ana e nga tangata maori hei mahi i o ratou whenua no te mea e pakaru ana i ta matou i te mea kua oti ke te mapi o Te Pepene ko te Ture tenei he whenua he mahi pakeha to reira kaia nga pakeha e riri he whenua ngawari e pai ana kia ruri ratou koia matou i mea ai kai rapua e koe te tikanga mo ta matou Ture. Heoi ano na te runanga o Te Uriohua.

Naku na tou hoa aroha,

NA TE HIRA PURE,
Kai whakawa maori,
Kia Kawana.

Kia Te Kawana,
Kei Akarana.

[TRANSLATION.]

Kaikohe, January 5, 1861.

FRIEND THE GOVERNOR,—

Salutations to you. This is the word of our runanga to you. It is to ask you to lay down a law for those Pakehas who survey land, and are employed by the Maories to survey their land for they are breaking into ours, which has been already surveyed by Mr. Fairburn. Let the law be thus. The land about which there is a difficulty, let not the Pakehas survey, but land that there is no difficulty about may be surveyed by them. We therefore ask you to adopt some measures in regard to it. Enough. From the Runanga of Te Uriohua.

Your loving Friend,

TE HIRA PURE,
Native Assessor.

To His Excellency the Governor,
Auckland.

No. 9.

Tari Hekeretari Maori,

Whare tuhituhi o nga Kaiwhakawai Maori.

Kaikohe, 8th Hurae, 1861.

E HOA, E TE KAWANA,—

Tena ra ko koe! kua tae mai to pukapuka o 20 o nga ra o Hune, a kua kite matou i nga kupu katoa o taua pukapuka ko te kupu a te Henere Kepa kia a koe, kihai ahau i matau ki te otinga paitanga ina hoki e tohe ana ano te ruri whenua i runga i ta matou whenua, heoi, kua karangatia e matou au kupu ki nga kai ruri whenua kia akona kia tupato kei tupu ake te raruraru, e tika ana, me ako ratou me whakatupato, otia ko ta matou kupu tenei ki a koe kia whai turetia nga kia—ruri whenua pakeha kia kaua e ruri i ngo wahi kua oti te ruri e matou, ta te mea e kite ana matou i te he o nga pakeha ruri whenua, ina hoki ka ruri a Pepene i to matou whenua ka oti muri iho ka tonoa e tetahi atu tangata, ka haere ano ia ki te ruri i taua wahi kua oti ra ano i a ia muri iho, ka tonoa ano e te tahi atu tangata kia haere ki te ruri ka haere ano ia ka pakaru ano to mua. Na ko te he tenei o nga paheha i kitea e matou na te manawanui te kupu ai tenei kino koia matou i mea ai kia tukua atu e koe he ture arai ia ratou mo nga wahi totohe a nga tangata Maori kia kaua ratou e haere ki te ruri i nga wahi tau tohetohe engari hei whenua pai kahore he totohe e pai ana, heoi, ma te tari hoko whenua e whiriwhiri ena kupu ma ratou e tuku te ture arai i a Pepene i nga kai ruri katoa; heoi ano ena kupu.

Na tou hoa aroha,

Na TE HIRA PURE,

Na HARE REWETI HAEHAE.

Kia te Kawana,
Akarana.

[TRANSLATION.]

Kaikohe, 8th July, 1861.

FRIEND, THE GOVERNOR,—

Salutations to you! your letter of the 20th June has arrived, and we have seen all the words in it, and Mr. H. Kemp's word to you. I do not know anything about its being properly settled, as the surveyor still persists in surveying upon our land. Enough. We held a *Runanga* on the subject, and made your words known to the surveyor to warn him, so that there may be no difficulty. It is right that they should be instructed and warned. This however is our word to you!—Let there be a law to guide the Pakeha surveyors, in order that they may not survey the parts that we have surveyed, for we see the faults of the Pakeha surveyors. For instance Mr. Fairburn surveys our land, and afterwards some other person employs him, and he again surveys the same piece that he has already surveyed. Afterwards he is sent by another man to survey it, and he goes and alters the former survey. These are the errors of the Pakehas which we have seen. It is our forbearance that prevents evil from growing out of this. We therefore ask you to send a law to prevent them from meddling with land about which there is a dispute amongst the Maories. It is very well for them to survey land which is not disputed. It is for the Land Purchase Department to consider these words, and make a law to stop Mr. Fairburn and the other surveyors. This is all we have to say.

From your loving friends,

TE HIRA PURE,

HARE REWETI HAEHAE,

To His Excellency the Governor,
Auckland.