

P A P E R S

RELATIVE TO

T H E W A I T A R A .

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND
OF HIS EXCELLENCY.

A U C K L A N D .

1863.

PAPERS RELATIVE TO THE WAITARA.

No. 1.

COPY OF A DESPATCH FROM HIS EXCELLENCY SIR G. GREY TO HIS GRACE THE DUKE OF
NEWCASTLE.

Taranaki, New Zealand,
24th April, 1863.

MY LORD DUKE,—

I am sorry to be compelled to trouble you once more on the subject of the land at the Waitara. Your Grace was originally informed, January 25th, 1860, that the title of Te Teira and other proprietors of this land had been proved and extinguished, and that you were only troubled with a reference to this subject as a matter of information, and that it was trusted that it might not be necessary to allude to it again. Your Grace was subsequently informed, February 27th, 1860, that there was no expectation of any serious difficulty arising from this affair, and that there was little doubt the Natives would acquiesce in the course the Government had adopted. After, however, twelve months of a disastrous war, such difficulties had arisen, that the matter was left exactly as it originally stood before any disturbance had arisen, the Government having then notified "That the investigation of the title and survey of the land at Waitara was to be continued and completed."

No. 39.

2. It is now my duty to report to Your Grace, that since I have been in New Zealand I have made every effort in my power, and have exhausted every argument and influence I could bring to bear upon the Native race, to induce them to acquiesce in this decision of the Government. But I have altogether failed to shake their dogged determination upon this subject. They say generally, that the title to the land is quite clear and well-known, and that what they regard themselves entitled to is, an open enquiry into the whole subject, in order that it may be ascertained who is to blame for the evils which have befallen themselves and the whole country.

3. A great part of the Native race may be stated to be at the present moment in arms, in a state of chronic discontent, watching our proceedings in reference to this Waitara question. Large numbers of them have renounced the Queen's authority, and many of them declare openly they have been so wronged, that they will never return under it. Other most influential men state that they will not aid the Government in any war that may arise out of this Waitara question. The great majority of them declare that if a war arises from this cause, they will rise and make a simultaneous attack upon the several European settlements in the Northern Island.

4. The reasons they urge for such proceedings, are, that they did not take up arms to prohibit the alienation of territory to the crown or to maintain any seignorial rights, but that the people of the Waitara, without having been guilty of any crime, were driven at the point of the sword from villages, houses, and homes, which they had occupied for years. That a great crime has been committed against them. That through all future generations it will be told, that their lands have been forcibly and unlawfully taken from them by officers appointed by the Queen of England. That they have striven to find a way in which their lands may be restored to them and reparation made; that they have sought this in vain from the Queen, and find that Her Laws do not rectify wrongs. They also affirm that the most important statements contained in the manifesto issued by the Government in February 1860, setting forth the cause of the war against the Native race, are not correct, although promulgated with the authority they were, and circulated throughout Her Majesty's possessions without the possibility of the Natives replying to it, or of their reply being heard, whereby a great prejudice has been created against them. For all these reasons they argue that they have no hope of obtaining justice: that their eventual extermination is determined on: that all that is left to them is to die like men, after a long and desperate struggle; and that the sooner they can bring that on, before our preparations are further matured, and our numbers increased, the greater is their chance of success.

5. It cannot be said that there are no grounds, however unreasonable these may be, for these suspicions being excited in their minds. For other persons have entertained them, and this is known to the Natives. My predecessor reported to your Grace, in a despatch which was made public and is often quoted, "That the Europeans covet the lands of the Natives, and were determined to enter in and possess them, '*recti si possint, si non quocunque modo*,' that this determination became daily more apparent, and that neither law nor equity will prevent the occupation of Native lands by Europeans "when the latter are strong enough to defy both the Native owners and the Government."

6. My belief is that the natives have made up their minds to act on the policy I have above stated : and that they will do so, unless the greatest care is taken on our part.

7. Your Grace must be well aware that this Waitara question was from the first made a party question, regarding which the most violent controversy raged, and men's passions were much excited. Like all other questions between races in a state of hostility, it was by many taken up as a question of Race, and it will, I fear, even now be difficult for any European to allege that the Natives are, in the main, right in their answers to the allegations made against them regarding the Waitara purchase, without raising a feeling of violent hostility in the minds of many people. Leaving apart, however, those far higher considerations which influence Your Grace ; I know that we are both to stand at the bar of History, when our conduct to the Native race of this country will be judged by impartial historians, and that it is our duty to set a good example for all time, in such a most important affair. I ought therefore to advise Your Grace, without thinking of the personal consequences which may result to myself, that my settled conviction is, that the Natives are in the main right in their allegations regarding the Waitara purchase, and that it ought not to be gone on with. I have given the same opinion to my Responsible Advisers, as Your Grace will find from one of the enclosures to this despatch. I hope they may adopt my opinion and act speedily upon it. I shall probably before the mail closes be able to report what has been done upon this subject.

8. I shall not encumber my despatch with the grounds of the opinion I have formed on the Waitara question. These will be found in the enclosures sent herewith. From these Your Grace can judge whether my opinion is a just one. But this much I must add, that although I have been eighteen months in the Colony, the most important facts connected with this Waitara purchase were unknown to me until a few days since, and must have remained so, had it not been from personal enquiries made by myself and the Native Minister on the spot ; that, from accident, oversight, or some other cause, these facts have not been made public or reported to Your Grace, and that I have seen nothing to make me think that my predecessor knew them.

9. On grounds of public policy, the following questions connected with this purchase of land at the Waitara should be considered with as little delay as possible. It does not involve any new acquisition of territory for Her Majesty or the Empire. It is simply a purchase of land, houses, and gardens, the private property of some of the Queen's subjects, which are to pass from them in order they may be given as private property to others of Her Majesty's subjects. To hold possession of this private property Great Britain maintains and has maintained for three years at a considerable cost, two separate detachments of Troops, one on it, one near it, in addition to a force at New Plymouth as a support for these detachments ; and none of the Queen's subjects, but a few Natives, derive any benefit from the land. Her Majesty has at present no legal title to the land. It seems more than doubtful if such a title can ever be given to Her, and it has never been paid for.

The original occupants of the land are likely soon to return there, and quietly to occupy it. If they do, we must either turn them off by force, or leave them in possession, they having taken repossession of the land against the will of the Government. If the first of these events occurs, a general war will probably take place. If the second of them occurs, the Government will be placed in a position which will weaken its authority and influence. If neither of these events take place, from the Natives being withheld from occupying the land by those who are well disposed to the Government, then we must continue to hold possession of it by a military force, and those of the Native race who are now hostile to us, will remain so, watching with arms in their hands our course in reference to this Waitara question. If we, on our part, attempt to put those Europeans upon it who will claim it in virtue of rights of selection of land which they hold, my opinion is that the Natives will instantly try to turn them off, and bring on a general war ; to be commenced at a point which, from its physical features, and that of the country beyond it, is so ill-suited for such a struggle that I believe that military operations in it, however skilfully conducted, and however prolonged, can result in no decisive success. I feel sure that Lieutenant-General Cameron, who is returning to England, will confirm my opinion in this respect.

I have the honor to be &c.,

His Grace the Duke of Newcastle, K.G.,
&c., &c., &c.

G. GREY.

List of Enclosures to this Despatch :

- No. 1. Memorandum setting forth the replies of the Natives to the Government Manifesto of February and March, 1860.
- No. 2. Lieut. Bates to Sir G. Grey. 10 April, 1863.
- No. 3. Memorandum from Native Minister, dated at Tataraimaka, 11 April, 1863.
- No. 4. Minute by the Governor. 12 April, 1863.
- No. 5. Memorandum from Native Minister. 17 April, 1863.
- No. 6. Minute by the Governor. 19 April, 1863.
- No. 7. Memorandum from Colonial Secretary. 20 April, 1863.
- No. 8. Minute by the Governor. 22 April, 1863.
- No. 9. Statement by Capt. Bulkeley, 65th Regt.
- No. 10. Ditto of E. Houltham, private in ditto.
- No. 11. Extract from the "Taranaki Herald," of the 10 March, 1860.
- No. 12. Mr. F. A. Carrington to Capt. Bulkeley. April 20, 1863.
- No. 13. Mr. Parris to the Native Minister. April 28, 1863.

Enclosure 1 in Despatch No. 1.

MEMORANDUM SETTING FORTH THE REPLIES OF THE NATIVES TO THE GOVERNMENT MANIFESTO OF
FEBRUARY AND MARCH, 1860.

The following appear to be the principal reasons for which the Government, in their manifesto published in February and March 1860, maintained that the taking forcible possession of Teira's block of land at the Waitara was not only justifiable but unavoidable.

Replies thereto.

1. Te Teira's title has been carefully investigated, and found to be good.

An investigation of Teira's title had not been made. It had not been found to be good; but it was still under investigation.

2. It is not disputed by any one.

It was, and is disputed by many. Te Teira admits, in part, justly.

3. The Governor cannot therefore allow Wm. King to interfere with Te Teira in the sale of his own land.

William King was not interfering with Te Teira in the sale of his own land; he and his people were contending for houses and homes where they had lived for years.

4. Payment for the land has been received by Te Teira, who acknowledged on the 24th of February, 1860, to have received the sum of £600 for the land, paid to him by Mr. Parris.

Payment has not been made for the land, Teira never having received more than £100 (one hundred pounds) for the land to the present time.

5. It now belongs to the Queen.

The land never did belong to the Queen; it never could have been said to belong to the Queen.

6. The right of "mana" was the only right asserted by William King.—(Governor Browne's despatch, 22nd May, 1860.)

The right of "mana" or sovereignty was not what William King asserted or relied on. The only right he insisted on was that of possession (meaning occupation).

"I have insisted upon this comparatively valueless purchase, because had I admitted the right of a chief to interfere between me and the lawful proprietors of the soil, I should soon have found further acquisition of territory impossible in any part of New Zealand.

"Even if the right of "mana," (viz., a feudal superiority without proprietary right in the land) exists at all, William King could neither possess nor exercise it, Potatau, the chief of the Waikatos, having obtained it by conquest, and sold all his claims at New Plymouth to the New Zealand Company.

"Without admitting this right (which is the only one asserted by William King), I could not, with reason, have rejected the offer made to me by Teira and his party, because that was the only obstacle to their selling their land, and (by the Treaty of Waitangi) they are prevented from selling to any one but the Government.

"It follows that I must either have purchased this land or recognized a right which would have made William King virtual sovereign of this part of New Zealand, which is the object of his avowed ambition."

Enclosure 2 in Despatch No. 1.

REPORT BY LIEUTENANT BATES TO HIS EXCELLENCY THE GOVERNOR.

New Plymouth, April 10th, 1863.

SIR,—

In obedience to your Excellency's instructions, I have made enquiry at the Survey Office as to whether, at the time that the Government took possession of the block of land called Te Pekapeka

which had been claimed by Te Teira and sold by him to the Government, there were any cultivations or any pas belonging to the chief William King standing on that block ; and if so, if any such were destroyed by the troops, friendly natives or others on the occasion of the Government taking possession of that block.

I beg to report for your Excellency's information that I have ascertained from Mr. O. Carrington (who for 22 years has been surveyor in this Province) that two pas situated on the block, and called Te Kuikui (which was William King's residence), and Wherohia, the former of which was occupied by about 200, and the latter by about 35 natives of William King's followers, were burnt by natives in the Queen's pay assisted by marines and sailors, at the time of the Government taking forcible possession of the block. The extensive cultivations around these pas were likewise destroyed by the troops, friendly natives, and others, and an inland cultivation belonging to Tamati Teito and other natives, some of whom were friendly (and which cultivation was situated at a "Kainga" or settlement on the Waiongona river called Poata) was also destroyed, together with the native houses standing near it : immediately upon which William King's natives retaliated by burning an exactly corresponding number of settlers' houses, no settlers' houses having been previously burnt or destroyed by them.

Map attached.

The position of the pas Te Kuikui, Wherohia, &c., will be seen by the accompanying plan of the block sold by Te Teira.

I have the honor to be Sir,

Your Excellency's most obedient, humble servant,

HENRY STRATTON BATES.

Lieut. 65th Regiment, and Native Interpreter to the Forces.

P.S.—There was also a pa called Te Huriarapa which stood on the block between the two pas above mentioned, viz., Te Kuikui and Wherohia, this contained 30 or 40 natives. This pa was not destroyed, but was occupied during the war by the friendly natives, and is still occupied by Te Teira and his adherents.

H. S. B.

I certify that the above statements are correct.

OCTA. CARRINGTON.

Enclosure 3 in Despatch No. 1

MEMORANDUM ADDRESSED TO HIS EXCELLENCY, BY THE HON. NATIVE MINISTER, ON LIEUTENANT BATES' REPORT.

THE Native Minister has felt it his duty to make immediate enquiries on the subject of the statements contained in the report addressed to His Excellency, by Lieutenant Bates, on the 10th inst.

When His Excellency was pleased to read that report to the Native Minister on Friday evening, Mr. Bell was under the impression that the facts therein rested on the authority of Lieutenant Bates himself, but on reading it again with the Colonial Secretary, the same night, he saw that they rested on the authority of Mr. O. Carrington.

There were three principal facts stated in the report (if the Native Minister remembers rightly).

1st. That a number of William King's people, exceeding 200, were in actual occupation of part of the block sold by Te Teira, at the time of possession being taken by the troops, and were forcibly driven from the land.

2nd. That there were extensive cultivations, belonging to William King and his people, upon the block at the time of possession being taken, which cultivations were destroyed.

3rd. That pas belonging to William King, situated upon the block by the river side, were set on fire and destroyed at the time of taking possession.

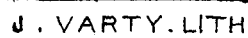
These statements were so directly contrary to what the Native Minister had always believed, and to what Governor Browne and his then Ministers had asserted, that the Native Minister was amazed at their being now advanced, in the report of Lieutenant Bates, as facts, and he felt that his opinion, as to the Waitara case, must be abandoned.

The Native Minister, now, respectfully acquaints the Governor, that the testimony of Mr. Parris, the Assistant Native Secretary, is still in contradiction to the statements of Mr. O. Carrington. Mr. Parris declares, in reference to the three points above mentioned.—

1st. That there were no natives belonging to William King's people in occupation of any part of the block at the time of possession being taken. They having abandoned the Waitara, and gone inland to Mataitawa some time before.

2nd. That the whole extent of cultivation, including the cultivations of Te Teira and his party, did not exceed 10 acres. That William King himself had no cultivation excepting small patches immediately around his pa, from which small patches he removed the crop when he abandoned the place. And, that instead of the cultivation being destroyed by the troops, they were valued and compensation paid to Te Teira. The main cultivations of William King and his people were in the piece excluded from the block, and on the north side of the river.

3rd. That no pas were destroyed at the time possession was taken, nor until the first war pa had



been erected on the block, and a trench dug by the insurgents across the road from New Plymouth, immediately upon which Colonel Gold gave orders for the destruction of the Werohia pa, but William King's pa, the Kuhikuhi, was not destroyed for some days afterwards.

The Native Minister thinks it right to communicate at once to the Governor what he has heard from Mr. Parris on the above points, but he has instructed that officer to furnish him with the precise dates and further detail, for which a reference to original documents in New Plymouth is necessary.

F. D. BELL.

Camp, Tataraimaka, April 12, 1863.

Enclosure 4 in Despatch No. 1.

MINUTE BY HIS EXCELLENCY.

The Governor has just received the Native Minister's Memorandum regarding the Waitara.

He thinks the questions raised have been misunderstood.

The questions were as follows:—

That William King and more than two hundred of his people had valuable houses and other buildings, and cultivations upon the land agreed to be bought by the Government from Taylor; and that they had been in occupation of these for about twelve years.

That many of them asserted a claim to some portions of this land.

That the Government nevertheless agreed to purchase it from Te Teira,—and publicly notified to the natives as follows:—

"Te Teira's title has been carefully investigated and found to be good. It is not disputed by any one. The Governor cannot, therefore, allow Wiremu Kingi to interfere with Te Teira in the sale of his own land.

"Payment for the land has been received by Te Teira. It now belongs to the Queen."

Immediately after the issue of this notice at New Plymouth the Government proceeded to take possession of the land.

Assuming these facts to be true, as the Governor still does, for Mr. Parris distinctly admitted them to him, and they are not now denied, the further question arose:—Even if Taylor's title were good, and there was some flaw in the title of King's people (which however is still generally denied by the Natives) was it a wise or becoming thing, and a proper subject to risk a war upon, to allow Her Majesty to avail herself of a flaw in the titles to land of some of her subjects, to purchase from another of her subjects the lands they claimed, although they had occupied them in peace for twelve years, had built houses on them, and had cultivations on them? Ought Her Majesty to make such a purchase, in which she gained for an inconsiderable sum, a property worth much more, and acquired against their will and consent the houses of more than two hundred of her subjects, which they had occupied in peace and happiness for years, and who were not even accused of any crime against Her Majesty or Her laws, but some of whom had on the contrary risked their lives in rendering Her services in former wars?

This is the question upon which the Governor has now to decide. What course should be pursued? It arises from the alleged facts, which have been above detailed.

All the other events detailed in the Native Minister's Memorandum must almost necessarily have followed, when possession was taken of land so purchased.

G. GREY.

New Plymouth,
12th April, 1863.

Enclosure 5 in Despatch No. 1.

MEMORANDUM ADDRESSED TO HIS EXCELLENCY BY THE HONORABLE NATIVE MINISTER, DETAILING CONVERSATION WITH TE TEIRA AND IHAIA.

The Native Minister begs leave to lay before the Governor some information he received yesterday from Te Teira and Ihaia.

Those Chiefs had come in from Waitara merely to see Mr. Parris about a horse taken during the War; but, as Mr. Parris was on the point of starting for Tataraimaka, they came to see Mr. Bell instead. After the matter of the horse had been disposed of, Teira inquired the particulars of Tamati Teito's declaration, that he would return to the disputed land at Waitara. Presently the conversation turned to the time when Mr. Bell had met the Ngatiawa Migration at Waitotara, near Whanganui, on their way up from the South, and to the discussions that then took place as to the location of the Tribe on the North Bank of the Waitara, in accordance with the agreement between Mr. McLean and William King, at Waikanae, before the migration left.

The Native Minister asked Teira to tell him the story of the permission given by his father, Tamati Raru, to William King, to build his pa at the mouth of the river. Teira gave a full account of this transaction. He said, that William King had quite purposed to live on the north bank,—but that the whole tribe soon got so alarmed at the prospect of a raid from Ngatimaniapoto, that the question was proposed for discussion at general meetings, that they should all live together on the south bank for mutual protection. This being agreed to, the site of the pas had to be determined; and, although it was admitted that the position selected at the mouth of the river belonged to Teira and his immediate family, it was ultimately agreed by all to build the pas there as the safest position for the tribe. In accordance with this, the Pas Hurirapa, Werohia, and Kuikui, were built,—and, although separate in construction, they were close enough to be taken for one (hui katoa he pa kotahi) for defensive purposes.

The Native Minister hereupon asked Teira how it was that, after a general agreement had been come to that this should be the location of them all, he had offered it for sale. Teira commenced his reply by saying, that when they came up they were all living in peace and happiness together,—but that the incessant feuds which had existed for five years, since Rawiri's death in 1845, had cut up the tribe, and darkened the whole land. But he said that he never had any intention to include the sites of the pas when he made the original offer to Governor Gore Browne in March, 1859; and he then went into a detailed account of William King's refusal ever to listen to his explanations about the land, and of all the circumstances which preceded Governor Gore Browne's decision to make the survey of the block. Most of the particulars he mentioned were familiar to the Native Minister, and have been made public in the Parliamentary Papers,—but a few were entirely new to him, and so far as Mr. Bell recollects, had never been mentioned before. One was, that the reason why he wished the old native allotments belonging to each man to be marked out in the block (*kia piketitia nga taiepa*) was, that there were other claims besides his. Another was, that there was to be another Native reserve of 200 acres within the block, and that although William King's pas had been destroyed when the war broke out, he had never intended to give up his own pa, Hurirapa. He then proceeded to complain that the balance of the purchase money (£500) had not been paid, and he asked me how this was, and whether the money would be given, saying that it was not just an investigation should take place without his being first paid, lest a man should be judged without any offence fairly charged against him (*kei whakawakia hara koretia te tangata*).

The Native Minister told Teira, that however clearly his title should be proved on the investigation, he thought it would be said that, after a general agreement among the tribe so many years before, whereby the sites of these pas had been selected for the purposes of general defence, and not merely as an accommodation to William King, and actually occupied, notwithstanding the Native feuds, up to the time of the land being offered for sale, those sites should not have been included in the sale without the real circumstances being told to the Governor; and that, if he never intended to offer them to the Governor, he should in the first place have expressly excluded them from his offer, and afterwards have prevented their being included in the survey. Moreover, that the matter of the reserve ought to have been cleared up and finally settled before he signed the deed, for there was nothing in the deed to show that any reserve was to be made, while it had been the almost invariable practice to name reserves in any deeds of sale. Teira and Ihaia, after a few moments' silence, said, "If we could answer that, we would do so; as it is, we are silent."

Upon the return of Mr. Parris from the camp, Mr. Bell communicated to him and the Colonial Secretary what had taken place. Mr. Parris stated that nothing had been said by Teira at the time of the original offer to show his intention of excepting the pas from it, and that he had never heard of an intended reserve of 200 acres; but that the Government had certainly promised that reserves should be made—that the object of the Government was to form a township at the mouth of the river—and that they contemplated making an arrangement by which certain portions of water frontage should be secured to the Natives within the town (besides other reserves outside), whereby the sites of the pas would have been exchanged for town allotments, sure to rise rapidly in value; and that all this would have been done if hostilities had not broken out,—but that the war had prevented any plan for the benefit of the Natives being carried out.

The Native Minister thinks it right, in making this communication to the Governor, to state that he had refrained until yesterday from questioning Teira on any matter connected with the sale of Waitara. He felt that, pending the investigation which the Governor had declared should take place, he ought not, after the part which he has himself taken in the Assembly, to seek, without His Excellency's express commands, information in anticipation of the inquiry, from among the Natives who were parties to the sale. In this instance an accidental turn in the conversation with Teira led to a disclosure of alleged facts, which it was obviously essential to Her Majesty's service should at once be brought before the Governor.

F. D. BELL.

April 17th, 1863.

NOTE.—A further account is given of this interview. (See pages 32 et seq. of this Paper.)

Enclosure 6 in Despatch No. 1

MEMORANDUM BY HIS EXCELLENCY AS TO MAKING A RESERVE AT THE WAITARA VILLAGES.

The Governor has carefully considered a statement laid before him by the Native Minister, showing. The arrangements between the natives, under which the South bank of the Waitara had been

occupied by the Ngatiawa tribe ; The admissions by Taylor, that there were other claims besides his own in the block ; That he had never intended to sell the sites of the villages which the natives had for twelve years occupied ; and That it had been agreed, that there was to be a native reserve of two hundred acres within the block of land purported to be sold to the Government.

The Governor has ascertained from other sources, that there is great reason to believe that it had been arranged that a block of land was to be reserved round the site of the villages on the Waitara, that, therefore, Taylor's complaint, that nothing has yet been settled about this reserve, is a complaint which should immediately be attended to, especially as it now appears he has never yet been paid for the land. There is also nothing to show that the Government, in its anxiety to form a township at the mouth of the Waitara, was justified, or could legally, without the wishes of the occupants of the native villages being consulted, determine to change such a reserve into town sections with water-frontage.

The Governor would recommend, under this altered view of the case, that the Government should without delay have a Reserve of two hundred acres made round the native villages, and publicly and clearly renounce all right and title, direct or indirect, to such land. He would be the more inclined to adopt this course, because the new facts now disclosed, since he wrote his memorandum of the 12th instant, render it more difficult than ever, in his opinion, for the Government to attempt to insist that the purchase of the block of land at the Waitara was a proper purchase to be maintained at all risks.

New Plymouth, 19th April, 1863.

G. GREY.

Enclosure 7 in Despatch No. 1.

MINUTE ADDRESSED TO HIS EXCELLENCY BY MINISTERS AS TO PROPOSED RESERVE AT WAITARA AND AS TO CONCLUDING THE INVESTIGATION.

Ministers beg leave to submit the following observations upon the Governor's Minutes of the 12th and 19th inst.

Into the broad question raised by His Excellency in the minute of the 12th instant, whether the Government were justified originally in making the Waitara purchase from Te Teira and in taking Military possession of the land, Ministers do not think it incumbent upon them to enter. That is one of the issues which would have to be determined by the investigation which it has been decided should take place into the whole subject. Another issue would be whether William King, as one of Her Majesty's subjects, was justified in resorting to arms to prevent the survey of land in dispute, or to maintain his pretension to prohibit any further alienation of territory to the crown. Nevertheless Ministers would not consider it just to omit some remark upon that part of the Governor's Minute which refers to the Natives having occupied the land in peace and happiness for years, and not being accused of any crime against the Queen or Her laws. No one who lived in New Zealand at the time, can forget that for more than five years before the purchase from Te Teira, the Natives had been waging an incessant warfare among themselves ; destroying each others pas, ravaging each others cultivations, and endangering the lives of the settlers ; defying interference by the Government, and rejecting every effort at mediation ; resisting even the personal entreaties of the Bishop of New Zealand, that they should cease the shedding of blood ; and living in a state of hostility and misery alike fatal to themselves and disastrous to the English settlement.

But the statements made by Te Teira and Ihaha to the Native Minister and detailed in his minute to the Governor of the 17th inst. shew, apparently beyond dispute, that the pas Hurirapa, Werohia, and Kuhikuhī, had been built upon a site, within the block offered for sale by Te Teira, selected for that purpose at the time of the Ngatiawa migration from the South ; and occupied, by general agreement, by a large number of those Natives as the safest position for the tribe. That these persons were resident in the pas at the time of the sale ; and that there had been an agreement of some kind as to a reserve, the extent and position of which were never settled, but which Teira at the time of the offer appears to have expected would include the pas in question.

These facts appear to have been overlooked throughout the discussions on the Waitara purchase, in consequence of the larger question as to William King's alleged seignorial right, and the over-riding Tribal right to the whole Ngatiawa territory. It is difficult to conceive that if these facts had come clearly out at the time of the sale, the practice universally followed, as far as Ministers are aware, in all purchases of land in New Zealand from the foundation of the colony, viz. : That of reserving the pas of resident Natives, together with their cultivations and burial places, would not have been adhered to in the present instance.

Ministers therefore concur with the Governor in the opinion that the question of the Reserve should be immediately settled ; and that accordingly a Block of 200 acres around the native villages, as proposed by His Excellency should at once be set apart by Proclamation as such Reserve, to be held either by the tribe in common, or under separate Grants as they should themselves prefer ; the residue of the block sold by Te Teira being left subject to the investigation as before.

ALFRED DOMETT.

20th April, 1863.

Enclosure 8 in Despatch No. 1.

MEMORANDUM BY HIS EXCELLENCY STATING REASONS FOR ABANDONING WAITARA PURCHASE.

The Governor begs to express his thanks to Ministers for the frankness and readiness with which they have given him the advice for which he sought, in reference to the proposed reserve out of the block of land at the Waitara, called Teira's block.

But the Governor ought to offer some remarks upon the Ministerial Minute in which they give him that advice, in so far as it relates to the acts and proceedings of the Natives; and he ought at the same time to state to Ministers the conclusion at which he has arrived in reference to the purchase at Waitara still under negotiation.

2. Ministers are aware that the Governor is of opinion (as his predecessor believed was the case in reference to himself,) that a pressure is being in many ways made on him, and is still likely to be made on him, by some of the European inhabitants of Taranaki, to induce him to enter into a war with the Native race, or to take land from them, with the avowed object of promoting the permanent security of the Province. The Governor thinks (perhaps wrongly) that a justification for these views would be afforded by the Ministerial statement, if the disasters brought upon this English Province, and the danger to the lives of the settlers, alluded to in it, had resulted alone from the proceedings of the Natives before the war.

3. Moreover, the Government at the present moment stands between two races, excited by recent hostilities, the inferior one of which is not, except to an inappreciable extent, represented in the General Assembly, and has no effective means whatever of putting its statements before the Queen or the public. It would therefore seem just, alike to Her Majesty's Advisers, who will have to decide on the wisdom and justice of the course pursued in the present crisis, and to the General Assembly of New Zealand, to put forward the Native answers to the view of the case (which is that of only one party to the question,) contained in the Ministerial minute of the 20th instant.

4. It would also seem right that the local Government, which is to act at once, in the existing most difficult state of affairs, should, before determining upon its line of action, carefully consider all sides of the question—and then, in Her Majesty's name, fearless of all parties, earnestly and faithfully do that which impartial men, removed from this scene of national, and in some cases strong party feeling, will admit was that which wise and dispassionate rulers of a country should have done, and which the future historian may admit was worthy of the greatness and generosity of England.

5. The Governor will therefore proceed to state the Native answers to the statements made in the Ministerial minute, which statements have frequently before been made, and have in various forms been discussed at meetings with the Natives.

6. The Natives, then, allege in reference to their disputes before the war, that these arose from Native Assessor of the Crown, whilst trying to meet the wishes of the Government in obtaining land for the Europeans, having with some of his people been treacherously slain by some natives. They go on to state that in this and similar instances, especially of land disputes, they in vain besought the Government to take some steps for establishing law and order in the country, and for affording protection to life and property amongst the Native race. That their appeals were treated with indifference. That at last many of them arrived at the settled conviction that the Government intended to let them destroy one another, either to get rid of them, or to obtain their lands. That it was their anxiety to save themselves from such calamities that at length induced many of their leading men, as a last resource, to join in the attempt to set up a National Government, which might afford them that protection from the violent of their own race which they had in vain sought from the Queen's Government—and, That if the settlers suffered together with the natives from such a state of anarchy as Ministers describe, that the settlers as well as the natives should refer their miseries to the true cause—the apathy and indifference or the weakness of the Government.

7. If these allegations are true, it appears to follow that the proper preventive for the recurrence of such scenes, is to take judicious steps for the gradual establishment of law and order throughout the Colony; and that neither justice nor policy will at present permit us either to enter upon a war, or violently to take their properties from the natives with the view of protecting the European settlers from the serious troubles and dangers which they formerly experienced, which were assuredly very great, and such as should never be allowed to recur if the Government can by any means in its power prevent them. As there are at the present time many violent and exceedingly ill-disposed young men among the native race whose pride and passions have been excited by the recent war, and who will most unwillingly be brought to submit to any restraint upon their inclinations, it will be necessary for some time to retain in this district a strong military and police force.

8. It is further to be observed that the Natives declare that they did not take up arms to prohibit the alienation of territory to the Crown, or to maintain any Seigniorial rights. They rest their justification for entering into the general conspiracy which was undoubtedly formed throughout the island, by declaring that it was a struggle for house and home. Especially on the East Coast the Natives have stated this to the Governor; adding, that various similar incomplete purchases of land had been made in their district from Natives who had only a qualified claim to such lands; and that the almost universal belief of the Native race was, that a new system of taking lands was to be established, and that if they did not succeed by a general and combined resistance in preventing their houses and lands being taken by the Government from the natives of the Waitara, they would have been each in their turn despoiled in detail of their lands.

9. They refer to the manifesto issued by the Government in February 1860, declaring the causes of the war against the native race ; and they affirm that the most important statements contained in that manifesto are not correct, although promulgated with the authority it was, and circulated throughout Her Majesty's possessions without the possibility of their replying to it, or of their reply being heard ; whereby a great prejudice was created against them. And they contend that there was no resort to arms on their part until from this and other causes they were convinced that their destruction was determined on, and that their only hope of safety lay in their courage and strength, if an armed force was sent to dispossess them of their homes. They do not understand why, if the Queen buys the houses and private properties of Her subjects, Her Majesty has more right to enter upon such properties than any of Her Majesty's subjects ; and they say that until they were sure armed force was intended, the survey of the Land claimed by Teira was only interfered with by women, who without violence interrupted the surveyors on portions of land which were then their own property, or that of their husbands.

10. Their general statement with regard to all this, is, that the people of the Waitara were driven from their homes at the point of the sword ; that a great crime has been committed against them ; that through all future generations it will be told that their lands were forcibly and unlawfully taken from them by an officer appointed by the Queen of England ; and they are particularly excited at a well-known native murderer having been adopted as the friend and ally of the Government in some of these alleged proceedings, this confirming their belief that the real object of the Government is to get land, and that any instrument, however bad, will be used for this purpose. The strength of the language they use on this point would hardly be credited by those who had not heard it. The result is, that leading native after leading native has told the Governor that they will, under no circumstances, aid the Government in any attempt to hold the land at the Waitara, if any war should arise in reference to that block of land. And large numbers of other influential natives have declared to the Governor, that the whole native race will engage in a general and simultaneous war upon the several European settlements of the Northern Island, if any further war should be engaged in by the Government on account of the Waitara question.

11. The natives will not agree to any investigation of the title to the land at the Waitara alone. They say they do not want that. That a great wrong has been done them, which has entailed great suffering on them, and they ask for an enquiry into the whole affair, in order that it may be shown who is really guilty of the evils which have sprung from the late war.

12. These are the arguments and assertions made use of by the native race ; their truth or the contrary can only be ascertained when full means of forming a judgment on the subject have been obtained ; but in order that the Government may arrive at a just decision on the questions now under consideration, on the right solution of which such great interests depend, it seems fair to both races that the reasonings and pleadings of the Natives, which they have no adequate or proper means of giving utterance to themselves, should be recorded and considered.

13. The Natives throughout the island are also now in a state of chronic discontent and revolt, giving as their grievances those which are stated in this minute. Many of them have in consequence renounced the Queen's Sovereignty ; numbers of them declare they have been so wronged that they will never return under it.

14. The Governor has exhausted on them every argument and influence he could use, without in any way moving their dogged determination in reference to the Waitara question, and he regards it as hopeless now to look for any success in this matter, or to think that he can lead them to be satisfied with a mere investigation of the title. They say *that* is quite clear, and well known. What they want is an inquiry into the whole affair, and into the fact of who is to blame for the evils that have occurred.

15. The Governor now proceeds to consider his own position in reference to the block of land at the Waitara.

16. He is informed that, since the war, no complaint whatever has been made against the natives of the Waitara district ; and the Governor's powers in reference to the block of land, stated to be claimed by Te Teira, are narrowed down within the limits prescribed by his predecessor, as follows :—

“The investigation of the title, and survey of the land at Waitara, to be continued and completed without interruption.”

“Every man to be permitted to state his claims without interference ; and my decision, or the decision of such persons as I shall appoint, to be conclusive.”

“In conformity with the declaration made on the 29th November, 1859, the rights of those who may prove their title to any part of the piece of land at Waitara will be respected.”

17. The Government is thus to be at the trouble of investigating every claim to this land,—to put each owner in possession of his own piece of land,—and to retain the residue of the 980 acres (if any) for the Crown, paying for the same the sum of £880, in addition to the £100 already paid.

18. Since the Governor has arrived at Taranaki, from inquiries made by the Native Minister and himself, the following facts have come to light in reference to this piece of land which have hitherto (if known) never been reported to Her Majesty's Government, or in any way made public, which are of the most important nature,—and, in the Governor's belief, alter the whole character of the transaction. They are as follows :—

The block of land of 980 acres, said to have been bought from Te Teira, has never been paid for : a deposit of £100 has been paid. The block was originally to have consisted of 600 acres, for which £600 was to be paid. Teira expects therefore to receive £980 for the present block. By the arrangement made with him, he would be entitled to this sum.

This block of 980 acres of land now appears to have been inhabited, at the time Teira undertook to sell it, by William King and between two hundred and three hundred of his people. They

had been in occupation for twelve years ; had villages, cultivations, houses, and other buildings on it,—their homes for years.

Teira now states that William King and these people occupied this land under a valid tribal arrangement, which would appear from his statement to be of such a nature that no person could sell the land without William King and these people being consenting parties to the sale.

Teira also now admits that there are other legitimate claimants to various portions of this block of land.

Teira further states, that he had never intended to sell the sites of the native villages, although these were what the Government especially wanted ; to form a town site on the river.

Finally, Teira alleges that it was arranged that he was to have a reserve of two hundred acres for native purposes kept on the block of land, and that this reserve has not yet been settled.

19. From these most important facts never having been made public, the Governor has no right to assume that his predecessor knew them, or that if he had known them, he would have gone on with a land purchase of such a nature. It is to be observed that the Governor has himself been in New Zealand for eighteen months, and did not know these facts until they were ascertained by personal inquiry at Taranaki ; it seems therefore excessively improbable that his predecessor could have known them : even the present Native Minister was not acquainted with them until a few days since. The Governor thinks, therefore, that there is no reason, arising from delicacy, or the respect he would always wish to pay to the views of his predecessor, why he should persist in a course, in the propriety of which he does not concur, and which he would not follow out against his reason, if he had in error entered upon it himself.

20. If we had not peaceably entered into possession of the European lands at Omata and Tataraimaka, it would have been difficult to have abandoned the intention of purchasing the lands at the Waitara, however objectionable in many respects it might have been to make that purchase, because it might have been said (however unjustly) that the abandonment of our intentions to make such a purchase, was a sort of bribe to the natives to induce them to allow us peaceably to occupy our own territories. Now that we have taken peaceable possession of the Omata and Tataraimaka blocks, this objection to abandoning the intended purchase of lands at the Waitara no longer exists.

21. The Governor's view therefore is, for the reasons here stated, and contained in other papers he has laid before the Ministers, that this Government should not go on with the purchase of the block of the land at the Waitara ; but that the following notice should be at once issued.

"His Excellency the Governor directs it to be notified that from facts now come to light, and not before known to him, he does not think that the purchase of the block of land at the Waitara is either a desirable one, or such as the Government should make. That His Excellency therefore abandons the intention of making this purchase, and forfeits the deposit of £100 which the Government has paid on this land."

22. The country is in such a state that the Governor by no means feels confident that this act will quiet the minds of many of the native population. On the contrary, he thinks it may now be impossible to avoid some collision with them ; but he believes it would at once win many over to the side of the Government ; that it is a proper act ; and that if a contest must come, that the closest scrutiny instituted into the conduct of the Government, either in England or in this colony, would result in an admission that every possible precaution had been taken to avoid such a contest, and to prevent the horrors of war falling on this colony, and that it was therefore clear that war with the natives was an evident and unavoidable necessity, which the European race must meet with that resolution, fortitude and energy, which they have never failed to exhibit in a cause of undoubted justice.

G. GREY.

New Plymouth, Taranaki,
April 22nd, 1863.

Enclosure 9 in Despatch No. 1.

STATEMENT OF CAPTAIN BULKELEY.

We marched for the Waitara on Monday, 5th March, 1863. On arriving on the land sold by the Native Te Teira, we halted on the highest ground on the block, and were met by a native from William King's pa, "Stephen" by name, who got water and peaches for the men.

After a few hours we moved to where the permanent camp was formed.

Next morning I saw some natives carrying timber from the fences round the cultivation up the road into Town, and reported the circumstance. At about 8 o'clock a.m. the "Niger's" men were landed, and we turned out to destroy a small pa : it was empty when we arrived at it. I believe the greater portion of the pas at the mouth of the river were burnt out that night, as the sailors were returning to their ship.

The following Sunday, "Stephen" told me that either on Wednesday or Friday night a pa would be erected on the land Te Teira had sold ; I told this to Mr. Parris that afternoon. I rode into Town the next day, and saw where the ditches for the new pa had been commenced. When I returned, I brought out a white Ensign, which Captain Cracroft gave me. I got leave from

Colonel Gold, and brought up to our camp, William King's flagstaff. The whares were standing then in the part of the pa from which I removed it.

On Saturday, the 17th March, the L pa was attacked, and taken the following day. I marched into Town on Saturday the 24th March. The Natives from the pas at the mouth of the river, must have left it in the greatest haste, for, after the pas were burnt, remains of furniture, cooking stoves (American) and even money melted into a lump were found by the soldiers and others.

It was the largest pa I ever saw; I feel certain over 200 natives must have constantly lived there.

F. B. BULKELEY.

Capt. 65th Regt.

Taranaki, 17th April, 1863.

Enclosure 10 in Despatch No. 1.

STATEMENT OF E. HOULTHAM.

I am a private in the 65th Regiment, and was one of the expedition that proceeded to the Waitara, on the 5th March, 1860.

I remember the pas at the mouth of the river; they were large pas, capable of holding 300 people. The first pa was burnt when we arrived near Puketakauere. I believe that there was a considerable quantity of property destroyed in the pas. I saw the remains of boxes,—also chests of tea, boots, &c. Private Copeland, of my company, picked up a lump of gold, which we suppose had been money that had been melted when the pa was burnt. I was with him at the time he found it amongst the remains of a house. The remains of an iron cooking stove were brought up to camp, and used by the officers.

ELIJAH HOULTHAM.

Taranaki, 17th April, 1863.

Enclosure 11 in Despatch No. 1.

EXTRACT FROM "TARANAKI HERALD," OF 10TH MARCH, 1860.

"Monday, at 4 a.m., the troops, preceded by some of the mounted escort, started on their silent march with the heart-felt wishes of the settlers for the safety and success of the expedition. The comparatively few who had risen at so early an hour to see them off, were desired not to cheer, and little was heard at any distance but the cries of the bullock drivers. The advance guard was followed by two field pieces, and the carts and main body followed; the whole under the command of Colonel Gold, commanding the Forces. The "Niger" having embarked His Excellency the Governor, steamed about this time for Waitara. During the day great anxiety was felt for news, and it was not until six p.m. that the mounted escort returned with the cheering intelligence that the troops had reached Waitara without obstruction. On arriving at Ikamoana, (a spot celebrated in Native feuds), the force struck off the Devon road, and crossed at the junction of the Mangoraka and Waiongona rivers. Here they rested for some time, to allow the carts to come up, and get the guns across. From this point an advanced guard of skirmishers was thrown out, covering nearly a mile of country; The service was very harrasing, but it effectually guarded against ambuscade or surprise. When Waitara was sighted the Union Jack was flying on W. King's pa, and on arriving on the ground at 2 p.m. it was found that the "Niger" had landed everything, and was in possession, the natives having retired precipitately at the sight of the blue jackets and marines. The appearance of the Military, as the body wound its way along the road preceded by the skirmishers and followed by the guns and baggage waggons, is described as a very picturesque as well as imposing sight, and we doubt not, struck terror into the hearts of the Natives, who were posted on the surrounding heights."

Enclosure 12 in Despatch No. 1.

In a NOTE from Mr. F. A. Carrington, (dated at New Plymouth, 20th April, 1863), to Capt. Bulkeley, he states:—

"In reference to your query respecting the cultivations which the natives had beside their three pas (within the bounds of the disputed block at Waitara) when the war broke out, I regret to say that I cannot give you exact information on this point; but from the occasional visits which I made to the Waitara just before the war commenced, I am impressed with the idea that from sixty to one hundred and twenty acres were under cultivation in the block named."

F. A. CARRINGTON.

PAPERS RELATIVE TO

Enclosure 13 in Despatch No. 1.

New Plymouth, April 28th, 1863.

SIR,—

With reference to the statement of Te Teira respecting a reserve of 200 acres having been promised to them, in the block offered by them to the Government, I have the honor to report that I am not aware that the quantity was ever fixed at 200 acres. But they were promised by the Government *allotments* to be held under Crown Grants, some of which said allotments were to have water frontage in the intended township, for the accommodation of their canoes, and storage for their produce ; and other allotments for cultivating, on some other part of the block.

I have the honor to be,

Sir,

Your most obedient servant,

ROBERT PARRIS,

District Commissioner.

The Honorable the Native Minister.

NOTE.—This Enclosure was added after the Despatch was written.

No. 2.

COPY OF A DESPATCH FROM HIS EXCELLENCY SIR GEORGE GREY TO HIS GRACE THE
DUKE OF NEWCASTLE.

Taranaki, May 5, 1863.

MY LORD DUKE,—

No. 42

Upon the 24th ultimo, despatch No. 39, I transmitted to Your Grace the copy of a minute I had addressed to my responsible advisers recommending the issue of a notice to the natives, that the Government had abandoned the intention of completing the purchase of a block of land on the Waitara river. In that despatch, and in its enclosures, I explained the reasons on which I justified that recommendation ; and in my despatch I expressed my hope that my responsible advisers might adopt my opinion, and act speedily upon it,—for I knew that all depended upon rapidity of movement in this matter. I had, well knowing this, pressed the subject on Ministers in conversation, and I laid it before them, in writing, on the 10th of April,—for I thought that the natives had encouraged our peaceable occupation of the Omata and Tataraimaka blocks, in the hopes that, having taken these without opposition, we would relinquish the purchase at the Waitara ; and I thought that no very lengthened time might be left for our determination, it being my belief, as I reported to Your Grace, that the natives were anxious to bring on a general war before we were prepared for it.

See Enclosure No. 2, to
Despatch 39.
Vide page 3.

Enclosure 1.
Vide page 13.

2. On the evening of Thursday, the 30th of April, I received from Ministers the minute, a copy of which I have the honor to enclose, in reply to mine of the 22nd of April, giving it as their opinion, in as far as I understand the minute, that they only thought that the intention of purchasing a part of the block of land should be abandoned by the Government,—and leaving the decision regarding the mode of dealing with the remainder of the block to me, undertaking however to aid me in carrying out my decision, whatever it might be. I enclose also, for Your Grace's information, a copy of my reply to the Ministerial Minute.

Enclosure 2.
Vide page 15.

3. The question of abandoning the purchase at the Waitara was mixed up with the question of a general amnesty, excepting therefrom only certain persons accused of committing murder. I enclose a copy of my minute on this subject, and of the reply of my responsible advisers, which I did not receive until Sunday, the 3rd instant.

Enclosures 3 and 4.
Vide pp. 16 et seq.

4. Upon the morning of the 4th instant, I regret to say that what was in truth a most terrible and shocking murder was committed by the natives, on the land between Omata and the Tataraimaka block, the details of which I will transmit in another despatch. This sad event has much complicated affairs.

5. A small party of men were coming along the beach about nine in the morning, bringing into New Plymouth a military prisoner for trial : they were accompanied for the sake of the protection numbers gave, by two young Officers, Lieutenant Tragett, and Assistant-Surgeon Hope, of the 57th Regiment, coming into town on private business. This party was fired on by a body of natives lying in ambush, and—at a single volley—all of them, but one or two, were killed or mortally wounded. The wounded were brutally cut about the head with tomahawks. Two officers, two sergeants, and four men were thus murdered, on the very day month we took possession of Tataraimaka block. I enclose to Your Grace a letter I only received this morning, although written on the 29th of April, in which a gentleman, who has a thorough knowledge of the native race, foretold that some such terrible event was likely to take place : he informing me as follows :—“They (the natives) argue that these places (Omata and Tataraimaka) are theirs by conquest, and that they had a right to hold them, and that they were determined to do so, so long as we hold Waitara. We propose to decide Waitara by arbitration ; but to this they object, and contend that, so long as we hold Waitara, they will hold the other places or fight for them,—and that if they fight, they have a right to fight in their own way, even as we fight in our own way.”

Enclosure 5.
Not printed.

6. I fear that I cannot now prevent a war, by acting in the manner I think justice required, in regard to the land at the Waitara. I take great blame to myself for having spent so long a time in trying to get my responsible advisers to agree in some general plan of proceeding. I think, seeing the urgency of the case, I ought perhaps to have acted at once, without or even against their advice; but I hoped, from day to day, to receive their decision,—and I was anxious, in a question which concerned the future of both races, to carry as much support with me as I could—indeed I could not derive its full advantage from what I proposed to do, unless I did so. I believed that the violent of that party of the natives who thought their conquest and degradation would, inevitably, ultimately be attempted by the European race, were desirous to hurry on a war before we were prepared for it; and that they were most anxious to make the Waitara the cause of it, as uniting so many sympathies in their favor,—So anxious are they to do this, that the evil-disposed of the Waikato tribes are holding William King violently in a state of captivity in their territory, in the hope that his people will not dare to come to any arrangement with us regarding the Waitara during his absence; but I had hoped that a few days more would elapse before any such disastrous event would occur as has taken place. These are the only excuses I can offer for not acting with the promptitude I now think I ought to have done. I have, however, still this hope left, that the shocking nature of the wholly unprovoked murders now committed may strike with shame and horror the better disposed amongst the native race, and thus prevent them from confounding the troubles which must result from these murders, with the disputes which have arisen regarding the land at the Waitara.

I have the honor to be, &c., &c.,

G. GREY.

His Grace the Duke of Newcastle, K.G.

Enclosure 1 in Despatch No. 2.

MINUTE ADDRESSED TO HIS EXCELLENCY BY MINISTERS ON THE PROPOSED ABANDONMENT OF THE WAITARA PURCHASE.

Ministers have carefully considered the Governor's minute of April 22nd.

They wish, in the first place, respectfully to observe, that in their minute of the 20th instant, they did not intend to argue a case on behalf of the European Colonists against any of Her Majesty's subjects of the Native race, but simply to call the Governor's attention to the state in which the natives of Taranaki had existed for many years previous to the Waitara purchase, and which renders some decisive interference by Government imperative.

Ministers trust that nothing in their minute would countenance the imputation that they intended to justify the desire on the part of any one (if such desire, as His Excellency believes, exists) that war should be made for the acquisition of native territory.

His Excellency's present advisers have always believed that the real quarrel between the Government and the natives concerned in the late insurrection, was not whether the title to a particular piece of land was good or bad,—but whether any natives, in case of a dispute between them and the Government, might resort to arms to resist the course the Government pursued. The colony, as a whole, never cared for the purchase of Waitara—only a few have any interest in it. Had the colonists at any time believed that the war was being carried on to obtain land, Ministers are firmly persuaded that the judgment of the Assembly and the whole voice of the settlers would have been against its prosecution. The views which the Governor attributes to some of the Taranaki settlers (the whole body of whom do not constitute one-fiftieth part of the European population of the colony) have never found an advocate in the Assembly, and would be rejected throughout New Zealand.

It is quite true that Ministers believed, and even with the new facts which have recently transpired relating to the purchase, they see no reason to abandon the belief, that the war at the Waitara was the natural result of a previous combination among many powerful tribes, to prevent the further alienation of land to the Crown, and thus to oppose a barrier to the further spread of colonization. But against a combination even for that object the colony would not have desired to see force employed, so long as its effects were confined to the property of the combining natives. The Assembly believed in 1860 that the time had come when dissident natives ought to be protected by the Queen's Government from the oppression which was threatened by a rival authority, and that it was to uphold that rival authority at all risks that the war was joined in by the Waikato tribes, who were disputing—not the validity of Teira's title—but the authority and jurisdiction of the Crown.

With respect to several statements of the natives as to the origin of the war, recapitulated by the Governor, Ministers are desirous that they should not be understood as acquiescing in their truth, merely because they abstain from a refutation of them.

Ministers now understand the Governor to have come to the following conclusions :—

I. That it is hopeless to look for any success in the attempt to induce the natives generally to submit the case of the Waitara land purchase to a mere investigation of title.

II. That so deep-rooted a feeling exists on this subject in the minds of the natives, that the whole race would engage in a general and simultaneous war upon the several European settlements of the Northern Island, if any further war should be engaged in by Government on account of the Waitara question.

III. That the new facts which have lately transpired relating to the Waitara purchase—viz., firstly, that an agreement existed among the members of the tribe that the pas south of the Waitara should be occupied as places of security for the tribe, which agreement had never by general consent been put an

end to ; secondly, that a large number of natives were living in pas within the block sold, and had been living there for twelve years ; and thirdly, that Te Teira intended to make a reserve of these pas, which intention he never communicated to Governor Browne,—that these facts are such as to show that the Waitara purchase ought not to have been prosecuted.

IV. That under these circumstances, a small instalment only of the purchase money having been paid, the purchase ought now to be abandoned.

1. With respect to the first of the above paragraphs, Ministers do not understand that the Governor is necessarily precluded from the more extended investigation desired by the natives. For their own part they can have no objection to any investigation—the amplest and most searching that can be made. But this is set aside by the conclusions the Governor has come to, stated in the paragraphs that follow.

2. Ministers cannot dispute the opinion that an attempt on the part of the Government to settle the Waitara question by force of arms, would probably result in a general rising of the natives and an attack upon all the European settlements of the Northern Island.

3. Ministers admit the fact that a large number of natives having been resident for many years upon a part of the block of land offered for sale at Waitara, under the tribal agreement above stated, and the fact of a reserve of some part, to cover the places thus occupied, having been stipulated for but never made, justify the conclusion that such a purchase should not have been completed until satisfactory arrangements on these points had been made with the natives. Certainly, if the circumstances were to occur over again, His Excellency's present advisers could not recommend that any offer of sale, leaving such points of difference undetermined, should be entertained. Although the facts alluded to do not in any way affect Te Teira's abstract right to the ownership of the land, it is quite clear that some of them are such as would have prevented the former Government, had it been aware of them, from completing the purchase. Ministers conclude, with His Excellency, that the Government was not aware of them. The facts themselves appear indisputable, having been voluntarily communicated by Te Teira himself to the Native Minister.

4. Is then the purchase to be abandoned ? Admitting the facts above stated, it certainly appears to Ministers consistent with justice that all claim to the site of the pas, and all the land intended to have been reserved, should be relinquished by Government, and the purchase, to that extent at least, abandoned.

On the other hand, the relinquishment of the purchase of the rest of the land undoubtedly implies the abandonment of one of the principal objects for which the war was undertaken, viz. : the maintenance of the principle that one native should not by force prevent another from selling land belonging to the latter. William King's pretension to prevent Te Teira selling his own land would virtually be admitted, unless it be decided that Te Teira has no individual proprietary right to any land at all within the block. But the Native Minister declares that, with the exception of the tribal occupation of the pas, nothing has occurred to shake his conviction that the proprietary rights of the sellers to the greater part of the block would be proved by any investigation to be valid. Ministers do not think it would be right to abandon the principle just stated. They believe that the Duke of Newcastle was right when, in his despatch to Governor Browne, of the 27th of November, 1860, he expressed his opinion that William King had undoubtedly assumed towards Government the position of a chief using his influence to further usurpation of a land league, which attempted to prevent persons, over whom they had no legitimate authority, from alienating their lands. And they concur with His Grace in thinking that all such attempts should be inflexibly resisted. But if Teira's own land, with respect to which Kingi had no legitimate influence over him, be now given back, will not an attempt precisely of that kind, which should be resisted, have been really if not formally acquiesced in by Government.

Again, without some further arrangements (which, however, may be made), the abandonment of the purchase might be held to involve, as a consequence, the possible abandonment of Te Teira and his party, the sellers of the land, who fought on the side of the Government during the war, to the chances of a renewal of the native dispute about the ownership of this land, and of the miserable state of danger and continual hostilities in which they were living before the war, should Wiremu Kingi or his followers attempt any retaliation upon their late foes.

Te Teira would apparently be placed by this measure, without an investigation, in the worst position in which he could be placed, as far as regards his title to his own land, even by an investigation the result of which should prove unfavourable to his claims.

To Ministers, with their views of the past and present circumstances of the case, there appears to be this amount of real or possible injustice involved in the abandonment of the whole of the purchase.

Considered as a matter of expediency, the proposal has many forcible reasons in its favour. The Governor, if Ministers do not mistake the purport of his minute, has come to the decision that, the purchase being unjust, and one which could not be investigated or carried on without a general war, he himself could not compel by force either its investigation or completion. In the face of this decision of the Governor, it is certain that no war for these objects would be sanctioned or entered into by the Imperial Government. And it is equally certain that a war carried on by the colony, unaided, would be attended with many disastrous results. Nor are Ministers prepared to assert that the maintenance of this purchase is a cause for the sake of which they should, at all hazards, plunge the colony into opposition to the Governor, to the Imperial Government, and into a war of races with the natives. It appears to Ministers that the preponderance of motives, based upon expediency, is greatly in favour of the Governor's proposal. At the same time they cannot overlook the fact, that there is at least considerable probability that the abandonment by Government of a position so long adhered to, may be looked upon by the natives as a mere concession to dogged resistance, if not to intimidation. And in such case, though existing irritations might be allayed for a time, the difficulty of overcoming or dealing

with any future opposition of the natives to Government, on account of the King movement, for instance, would be very much increased.

Ministers have no hesitation, then, in recommending that the Governor should immediately renounce all claim on the part of the Crown to the site of the pas occupied by Wi Kingi and his people, and to all the land intended to have been reserved,—the amount of which, or any additional amount which it would have been reasonable to have reserved on the same grounds, should be determined by arrangements immediately to be made.

With respect to the proposal for abandoning the remainder of the land, it is not one—at least in its present unqualified shape—which seems to Ministers free from the serious objections above stated. Nevertheless, considering the great complexity of the whole case, the difficulty of the Governor's position, the critical state of the colony, and the aggravation of all these evils which would be produced by the opposition of the Ministry to any course which the Governor might feel himself compelled to adopt, Ministers consider that they are justified, especially under the relations between them and the Governor established with respect to all matters of Native policy, in leaving the decision of this part of the question entirely to His Excellency; undertaking, on their part, whatever that decision may be, to assist His Excellency to the utmost of their ability in so carrying it into effect, as to make it conducive to the establishment of a permanent peace.

ALFRED DOMETT.

New Plymouth, 30th April, 1863.

Enclosure 2 in Despatch No. 2.

MEMORANDUM BY HIS EXCELLENCY ON MINISTERIAL MINUTE OF 30TH APRIL, 1863.

The Governor feeling the responsibility which rests on him in relation to the land under purchase at the Waitara to be very great, thinks it right to offer the following remarks on the ministerial minute of the 30th of April.

Firstly.—In reference to the statement made by Ministers that the Governor's opinion was, "that some of the Taranaki settlers desired that war should be made for the acquisition of territory," he would state that he did not say that. What he said was, that there was a desire "to induce him to enter into a war with the Native race, or to take land from them with the avowed object of promoting the permanent security of the Province." In his opinion cases might arise when either of the measures he had named might be necessary and justifiable acts, without which the lives and properties of large numbers of the Queen's subjects could not be secured: and it would often be a proper question for argument, regarding which opinions might differ, as to whether such a necessity had or had not arisen. But he does not think it would under any circumstances be justifiable to make war for the mere purpose of acquiring native territory. He concurs therefore with Ministers in thinking that the judgment of the Assembly would be against such a course.

Secondly.—The Governor would remark that Ministers admit, from facts now come to their knowledge, that they conclude that such a purchase as that of the block of land at the Waitara should not have been completed, until satisfactory arrangements on certain most important points had been made with William King's natives. That if these circumstances were to occur over again they could not recommend that any offer of sale, leaving such points of difference undetermined, should be entertained; and that some of these are such as would have prevented the former Government, had it been aware of them, from completing the purchase.

Under these circumstances the Governor does not attach any great weight to the former views of the Assembly and of the Secretary of State as to the origin of the war, for they were based on imperfect information. The Government, it is now evident, was and still is in the same unfortunate position. It is a very unusual circumstance, in reference to so important a subject as turning more than two hundred of the Queen's subjects out of their houses and homes, and deciding that the right of property in these was in another subject, not in themselves, that not a line of written evidence exists to show the grounds on which the Officer deciding this question came to such a conclusion. No appeal can consequently be made against his decision; and it is probable that so light and careless a mode of dealing with rights they value so highly, must create great bitterness in the minds of any race. Moreover from the frequent use made of the Queen's name in the manifesto setting forth the causes of the war—such as, "the land was now the Queen's land," that William King was "interfering with the Queen's rights," &c., &c., the question became in the minds of many Europeans, one of loyalty to the Crown, and on which consequently all their better feelings were likely to lead them astray; whilst to the Natives, what they considered a great wrong appeared to have been done by the Queen's direct authority, to which they had always been previously accustomed to look as their protector from wrong. It seems probable, therefore, that the result might have been to create a great prejudice in their minds against the Queen's authority.

Thirdly.—The Governor would remark—on the Native Minister's declaration, that "with the exception of the tribal occupation of the villages, nothing has occurred to shake his conviction that the proprietary rights of the sellers to the greater part of the block would be proved by any investigation to be valid"—that the Governor's situation is one of great difficulty. He asks in vain for the Evidence taken at the investigation of the title, and none can be produced for his guidance; and in each

Vide Minutes 3 and 3 A,
page 20.

instance as yet brought under his notice he has found that the statements made by the natives opposed to the sale of the land were correct, although they had been previously contradicted by the Government.

Lastly, the Governor would state that the purchase never has been completed, and if the Government admit that there are such difficulties in the way as ought from the first to have prevented the completion of the purchase, he thinks that the intention to do so should be at once abandoned, especially as it is admitted that the attempt to complete it would probably result in a general rising of the natives, and in an attack upon the European settlements of the northern island; several of which the Governor is satisfied are quite unable at present to resist, without terrible loss, an event for which no adequate preparation has been made in them by the Government. In abandoning the intention of purchasing the land for the Crown, no necessity would be involved of immediately withdrawing the troops quartered there, or of ceasing to give protection to Teira and his people, or of in any way relinquishing such sovereign rights as the Queen has over other lands belonging to her subjects.

G. GREY.

Taranaki, 4th May, 1863.

Enclosure 3 in Despatch (42) No. 2.

MINUTE BY HIS EXCELLENCY.

The Governor begs to remind Mr. Domett, that about a fortnight since he requested the advice of Ministers regarding the course they would advise him to pursue, in reference to the Natives inhabiting the country to the south of Taranaki—especially in regard to the plunder they took during the late war; and that he then read to Mr. Domett the annexed draft Proclamation, as containing the outline of the course which he thought should be followed. The Governor still thinks the course he then recommended was the most judicious one to adopt; but he begs that Ministers will favour him with their advice on this subject as soon as they conveniently can, for it is a matter which should be dealt with without delay.

G. GREY.

Taranaki, April 29th, 1863.

DRAFT OF PROPOSED PROCLAMATION.

“Her Majesty’s Government having now taken peaceable possession of all lands claimed by Europeans in this Province, and compensation having been provided for the losses sustained by the Taranaki settlers in the late war, I hereby, in her Majesty’s name and on Her Majesty’s behalf, proclaim a general amnesty and pardon for all persons who bore arms against Her Majesty in the said war, with the exception of the undermentioned persons, who being accused of the crime of murder, or of treacherously killing unarmed men and children, will be brought to trial before the Supreme Court whenever they may be apprehended.

“The names of the persons excepted for the above-mentioned reason from this general amnesty and pardon are, &c., &c.”

Enclosure 4 in Despatch (42) No. 2.

MEMORANDUM ADDRESSED TO HIS EXCELLENCY BY MINISTERS AS TO A GENERAL AMNESTY.

Referring to the Governor’s Minute of the 29th April (and the preceding one on the same subject), asking the advice of Ministers upon His Excellency’s proposal to issue a proclamation of general amnesty, especially with respect to the plunder taken by the Southern natives, the Colonial Secretary forwards a Minute by the Native Minister, embodying his views on this point.

The Colonial Secretary concurs in these views.

The state of the case appears to be as follows:—

Governor Browne on the 21st May, 1861, offered a general pardon to the Waikato Natives on their compliance with certain terms and conditions.

On the 30th November, 1861, the present Governor declared his intention not to carry out at that time the publicly recorded determination of his predecessor, to compel the Waikato tribes to submit to these terms.

The conditions made by Governor Browne were:—Submission to the Queen’s authority, restoration of plunder, and compensation for the property of Europeans destroyed. The offences to be condoned were, therefore, resistance to the Queen’s authority, the holding of plunder, and the destruction of property.

The withdrawal from Governor Browne’s determination having been followed by announcements to the natives that they would not be attacked on account of the King movement, the conciliatory tone adopted by the Government on all occasions with respect to it, and the determination to leave it to be undermined by argument with the Natives, and by their experience of the difficulties attending its being carried out, seem to imply at the least a condonation of the past offence of resistance to the Queen’s authority on that account. Everything during the last eighteen months

must have tended to produce the conviction in the minds, at all events, of the Waikato Natives (including the Ngatimaniapotos), although they perhaps care very little about it, that their past offences are forgiven. It appears to the Colonial Secretary that the Government might as well at once give up the intention of attempting to punish these offenders at all, as hold it under so many chances against its ever being carried into effect.

The last condition that compensation should be made by the Natives who destroyed property, is even more unlikely to be complied with, and certainly could not be enforced against the Ngatimaniapoto and Waikato, except after a general and successful war.

The Ngatimaniapoto were the rebels who took and retained most of the plunder, and burnt the greater part of the houses. If the view above expressed be correct, the offences of this tribe in this, as in other respects, have been virtually, though not expressly, condoned.

There does not seem to be any reason why the Southern tribes should not share in the condonation accorded to Waikato regarding the offence of insurrection; for they were more nearly connected as friends and allies with William King than the Ngatimaniapotos were, to avoid attacks from whom he had formerly taken refuge on the South side of the Waitara. The Ngatimaniapoto, therefore, of the two, had less excuse to take up arms in his cause.

The offences of holding plunder and destroying property having been thus treated in the case of the Ngatimaniapoto, the more powerful and inaccessible tribe, who committed these offences to a much greater extent: it is out of the question that Government should punish the southern tribes, who were less guilty and are much weaker.

There is no question of the loss to Europeans of the property taken or destroyed, because the Colony, as pointed out by the Native Minister, has already provided the means of compensating them for their losses. The plunder then, if restored, and any compensation if given by the Natives for property destroyed, would have belonged to the Colony and not to the settlers of Taranaki.

It is equally undeniable that Government has always treated the insurgent natives less as rebels than as a foreign enemy at war with it. Plunder taken on both sides would consistently with this practice have to be looked upon as spoils of war, and have to be restored by both sides if by either.

Looking, then, at what has been done already with respect to the Northern tribes, and comparing their offences with those of the Southern, and the strength and circumstances of both, it appears that—the decisions of the Government regarding the Northern tribes having been approved by the British Government,—the Government can only avoid inconsistencies (and those of a kind unworthy of it) by shewing to the Southern tribes the same leniency already shewn to the Northern.

The question of the mode of dealing with the murderers belonging to the Southern tribes is not entered on in the above remarks, because the Governor proposes very rightly to except them from the amnesty proposed.

ALFRED DOMETT.

May 2nd, 1863.

Sub-Enclosure in foregoing.

MR. DOMETT,—

With regard to the Governor's Minute, on the subject of the plunder taken by Natives during the recent war, I think it will be as well if I put you fully in possession of my view before you reply to His Excellency.

I have always considered, myself, that those who demanded the restitution of the plunder taken during the war, proceeded upon an erroneous view of the relations between the Government and the insurgent Natives. The Government never treated the latter as rebels; they declared them to be such, but practically admitted their belligerent rights, just as in America, the Secessionists are always called rebels by the Federal Government, but are in practice treated as Foreign enemies engaged in lawful war. My opinion on this matter was known to Governor Browne and the former Governments.

At a very early period of the war, both Natives and settlers were in the habit of making raids, and taking away each others cattle. I annex extracts from reports of Mr. Parris, which will show you the kind of transactions that used to take place. When the report of December 24th, 1861, was received in Auckland, it appeared to me that the time was come when it should be decided, once for all, what should be done about the plunder question. It appeared to me quite ridiculous that settlers should be holding horses and cattle taken by them during the war as loot; but that on the other hand, the natives should be required to give up what they had taken. It was absurd to suppose that the natives could ever be brought to see that there was any difference between the acts of the soldiers, militia, and settlers, in taking their cattle, and their acts in taking the settlers'.

When I was engaged at Mr. Fox's request in the printing of the Sessional Native Papers to be laid before the Assembly last year, I became aware of the fact that the Governor had withdrawn from the declaration of May, 1861, made to the Waikato tribes. From that moment I considered that the Government ought to give up any demand for the plunder at Taranaki. It was notorious that the Ngatimaniapoto, as the Governor expressed it in one of his Despatches, "did all the house burning business," and "possessed lots of plunder which they would not give up." To condone an offence in one tribe, and punish it in another, was impossible.

When the Assembly met, the question of compensating the Taranaki settlers for their losses was considered upon the basis of Mr. Sewell's award upon the claims brought before him, which comprised

all losses of cattle, horses, and other animals taken by the belligerent Natives. From the time that the Government undertook to grant £200,000 for the reinstatement of the settlement and its inhabitants, the claimants ceased to have any interest in the cattle ; for it surely never could be held by any one that the Colony was bound in addition to its grant of compensation, to get back for the settlers all the "loot" taken in the war. It then became a question not of recovering plunder, but of inflicting punishment.

Vide Enclosures 2 and 3.

Whether this view is right or wrong, I consider the matter has really been settled already by a decision while our predecessors were in office. I enclose the copy of a Report by Mr. Parris, relating to a horse taken as "loot" by a settler from the Natives, and afterwards claimed by Matene Tupoki, in which case it was decided that as the horse belonged to a Native, who joined the rebels in arms against the Government, the horse should be returned to the European claiming under the original capture. This appears to be conclusive, that "looted" horses were treated as spoils of war.

The greatest annoyance is constantly experienced by me from cases of ownership of cattle brought in by Southern Natives. The other day a herd of cattle was brought up from the South, exposed in accordance with the Provincial Ordinance, and bought by a settler. After the sale had been effected, and delivery taken, the purchaser refused to pay for one of the beasts, on the ground that it was his own property. It was in vain that I urged him to pay the purchase money, and in the end he had to be summoned in the Resident Magistrate's Court, when it was clearly proved that he had no right to the beast. Judgment being given for the Native, he objected to pay. Mr. Parris advanced the money out of his own pocket ; and on my return from Auckland, I instructed Mr. Parris to take out execution unless the money was paid forthwith, upon which threat the money was at last paid.

Since I have come here, I have got to know that the Commissioners for distributing the compensation have deducted in round numbers the sum of £3,000, as the value of live stock recovered since the time of Mr. Sewell's award, when £35,732 were granted as the value of stock lost during the war. I am not aware of what precautions are taken to verify the recovery of any cattle ; but I should think it was unlikely that the person to whom I have referred would have taken and caused all the trouble he did, only to go to the Commissioners and ask them to reduce his claim by the value of the beast.

I, therefore, earnestly recommend you to concur in any proposal which shall finally put an end to the plunder question here, and let everybody keep what he has now got, if taken as "loot" during the war.

F. D. BELL.

Taranaki, 1st May, 1863.

Enclosure 1.

EXTRACTS FROM LETTERS WRITTEN BY MR. PARRIS.

"May 4th, 1860.

"A number of cattle and horses were brought back by a party of mounted civilians who accompanied the expedition to Warea, but I am afraid the poor settlers will suffer for this, for I fully expect retaliation."

"October 3rd, 1860.

"I am informed that advantage is taken of the movement of any force, by some of the parties attached thereto, to capture either cattle or horses, which are afterwards sold or slaughtered for private benefit. In many instances they are claimed by the friendly Natives, and in other cases by Europeans, deriving or claiming to derive title to them, either through prior transactions with the rebels or with the friendly natives."

"January 11th, 1861.

"With reference to Captain Burton's letter respecting the cattle driven in from the South, on which I am directed to report, I have the honor to state that his assumption that the cattle were driven in by my directions is incorrect. Cattle have from time to time been driven in by the friendly Natives at the request of owners, the Natives applying to me as the officer in charge for permission to employ themselves in this manner, because being in receipt of pay and rations their time belonged to the Government ; and they are not allowed, without proper sanction, to employ themselves otherwise than they may be directed.

"It is difficult for the Natives in every case to distinguish which should be driven in and which should be left ; and it would be unjust to prevent those who are desirous to have their cattle driven into town from so doing, lest other cattle which are not required should also be driven in ; doubtless there is a liability that they may be improperly claimed, and I would therefore suggest that all the cattle to which no claim can be properly substantiated, should be branded with the Government brand and then be turned back again, lest they should be slaughtered without the owner's privity. This would be a protection to owners and prevent them unwittingly being driven in."

"May 25th 1861.

"I have the honor to report for the information of the Colonel Commanding, that the Native Chief Haripa has preferred a charge against the soldiers and militia stationed at the Bell Block, for

unlawfully taking his pigs from Native land beyond the Bell Block, and sending them into town for sale. Mr. Charles Rowe's cart has been hired on three different occasions to bring those pigs into town. Altogether he has brought in twenty pigs."

"December 24th, 1861.

"I have the honor to transmit herewith the enclosed copy of a letter addressed to me by a native of the Ngatimaniapoto tribe, now living with William King's people at Mataitawa, respecting horses, &c., captured by Europeans during the war, which belong to native tribes then in arms against the Government.

"The Natives of this part are opposed to the writer of the letter in the question to which it relates, and say that he is afraid if their horses, &c., are returned to them, it will give the Government a claim upon the Waikatos for the horses, &c., taken by them from this settlement.

"The instructions of His Excellency the late Governor are:—'That all property in the hands of the settlers belonging to the friendly Natives to be returned to the latter, all property belonging to the Natives in arms against the Government, in the hands of the Europeans, to be handed over to the Governor to be disposed of as he thinks fit.'

"No provision was made to meet the expense of keeping those belonging to the insurgents if surrendered, and the Europeans have in consequence thereof been allowed to retain them, but some of them are not being treated as they should be, and the owners are dissatisfied and asking to have them returned to them.

"The Mataitawa Natives have returned the property of the Europeans which they had; and as the Europeans frequently ride horses belonging to them into their district among them, I am afraid it may be the cause of unpleasantness. I have, therefore, the honor to request to be furnished with instructions in the matter."

Enclosure 2.

New Plymouth, March 26th, 1862.

SIR,—

I have the honor to report for the information of His Excellency's Government, the following particulars respecting a claim preferred by a Native, named Matene Tupoki to a horse which was in the possession of Mr. Neill, Commissariat Officer, and to state that my reason for bringing this case under the notice of the Government, is on account of Mr. Neill having informed me that he intended writing to the Honorable the Colonial Secretary as recommended by the Resident Magistrate, stating the length of time he had possession of the horse, during which it was never before claimed, and to ask to have the horse returned to him.

Mr. Neill having refused to give up the horse, Matene Tupoki applied for a summons, which was granted and the case heard by the Resident Magistrate, on Saturday the 8th inst, when Matene Tupoki was nonsuited; having failed to prove to the satisfaction of the Resident Magistrate that the horse was his, but it was proved that the horse was captured during the war, and sold by a Mr. Kelly, a Bell Block settler, to a Mr. McDougall, for £14, and Mr. McDougall sold it to Mr. Neill for £14.

Matene Tupoki married the sister of Wi Tako, and is related to Te Puni, the Nga Motu chief, who lives at Wellington. The horse in question is said to have been sent to him as a present by Te Puni's people and arrived just before the war broke out. The young man who brought the horse from Wellington (and is not known to have seen it since it was captured,) in his evidence in Court, explained the brand on the horse, which was found to be correct, N.G.P., the signification of which he said was Nga Paki, the name of Te Puni's son. The Resident Magistrate ordered the horse to be given up to me, which was soon done: with a request from Mr. Neill that I would retain the horse until he had received an answer from the Honorable the Colonial Secretary.

Matene Tupoki having been nonsuited, I retain the horse in conformity with the instructions of His Excellency the late Governor, copy of which I forwarded in my letter of 24th December last. Waiting instructions from the Government in the matter.

I have, &c., &c.,

R. PARRIS, A.N.S.

The Honorable the Native Minister.

Enclosure 3.

Native Secretary's Office,

Auckland, July 15th, 1862.

SIR,—

Referring to your letter of the 26th March last, respecting a claim preferred by Matene Tupoki to a horse which was in the possession of Mr. Neill, Commissariat Officer, I am directed by the Government to inform you that the depositions taken at New Plymouth in this case have been returned from Wellington by the Resident Magistrate, and that as it has been ascertained that the

horse in question belonged to Hare Paiaua, who joined the rebels in arms against the Government, you are requested to be good enough to cause it to be returned to Mr. Neill, with as little delay as possible.

H. HALSE,
Acting Native Secretary.

The Assistant Native Secretary,
New Plymouth.

No. 3.

MINUTE BY HIS EXCELLENCY REQUESTING THAT NOTES OF EVIDENCE TAKEN BY MR. PARRIS
MAY BE SENT TO HIM.

Adverting to the Ministerial Minute of yesterday's date, on the subject of the land at the Waitara, and to the following passage therein, "But the Native Minister declares that, with the exception of the tribal occupation of the pas, nothing has occurred to shake his conviction that the proprietary right of the sellers to the greater part of the block would be proved by any investigation to be valid;" the Governor would state that his own views on this subject differ somewhat from those of the Native Minister, and as he is very anxious to make no mistake on this subject, he begs that the Evidence or the Notes of the evidence taken by Mr. Parris, when he investigated the claims to the land at the Waitara, may be forwarded for his perusal, with as little delay as possible, as he is most anxious to settle this question.

G. GREY.

Taranaki, May 1st, 1863.

No. 3A.

MEMORANDUM ADDRESSED TO HIS EXCELLENCY BY THE NATIVE MINISTER, FORWARDING MR.
PARRIS' REPORTS.

The Native Minister, in reference to His Excellency's minute of this date, begs leave to state that he has been informed by Mr. Parris, that the only evidence which exists in writing of his investigation of the Waitara purchase is to be found in his letters and reports published in the "Reports of the Land Purchase Department," a copy of which is herewith enclosed.

F. D. BELL.

Taranaki, May 1st, 1863.

No. 4.

MINUTE ADDRESSED TO HIS EXCELLENCY RECORDING THE STEPS PROPOSED FOR ABANDONING WAITARA
AND IN REGARD TO REINFORCEMENTS.

At a consultation between the Governor and Ministers last night, the following proposals made by His Excellency were agreed to :—

1st. That the troops should be withdrawn from the posts at Waitara, and that the frontier should be defended on the North by a force of Natives to be immediately organised.

2nd. That the territory between Omata and Tataraimaka belonging to Parenga Kingi and the Natives engaged in the murders yesterday should be declared to be forfeited to Her Majesty, and a Military Settlement formed there; the portion of the block belonging to Ropata Ngarongomate and the other loyal natives having been placed at the Governor's disposal by that Chief.

3rd. That application should be made by the Governor to the Indian Government to send one European Regiment and two Regiments of Sikhs to New Zealand; the Colony undertaking to increase the pay of Sikhs to double that which they receive in India.

Ministers now tender advice to the Governor on the following points :—

1st. As regards the Waitara. Ministers advise that a general meeting of the Ngatiawa people at Waitara should be held immediately; at which the following declaration should be made as the decision to which the Government will adhere, viz. :—That circumstances connected with the purchase of Waitara having come to light which made it, in the opinion of Government, unadvisable to complete the purchase, the Government are willing and ready to restore the Waitara to its former owners, and to publish a general amnesty for all former offences; on the condition that those engaged in the late insurrection should absolutely separate themselves from the Southern tribes and leave the punishment of the late murders entirely in the hands of the Governor. Further, the declaration should be made.

that if they refused to comply with this condition and any assistance of any kind whatever is given by them to the Southern tribes, the whole of their own land at Waitara will be declared forfeited in like manner as the territory between Omata and Tataraimaka.

2nd. That a Proclamation be issued to the Taranaki and Ngatiruanui tribes stating that it is the Governor's determination if the murderers are not given up within a month from this date to hold those tribes responsible as accessories to and participators in the crime.

ALFRED DOMETT.

May 5th, 1863.

No. 5.

COPY OF A DESPATCH FROM HIS EXCELLENCY SIR GEORGE GREY TO HIS GRACE THE
DUKE OF NEWCASTLE.

Taranaki, May 6, 1863.

No. 43.

MY LORD DUKE,—

In order that Your Grace may better understand the native feeling regarding the land at the Waitara, I enclose a translation of a letter which was yesterday received, from a Ngatiawa chief, by Mr. Bell, Minister for native affairs, and a minute by Mr Bell on that letter.

Enclosures 1, 2, and 3.
See below.

2. The Ngatiawa chief says: "I have heard from Jeremiah that the Europeans were killed (yesterday). What you said to Jeremiah was, that I should now dispassionately consider what determination I should come to. Now, withdraw your soldiers from Waitara this very day: this is the result of my considering."

3. The Native Minister explains, that on the morning of the murders, before it was known they had been committed, he had had a conversation with this chief, the substance of which was as follows: "He said with reference to his former letters about Waitara, that we had gone quietly upon our own pieces of land, and we should therefore allow him to have his, and retire the detachment from Waitara." I replied, by a question, "Where have you seen that we have gone quietly on our own land? What do you say about the ambuscades of last week?" He replied, "that my question was correct—that the ambuscades were a murderous system, in which he had and would have no part; he said he relied on the fairness of the Governor's intentions, but pressed for an immediate decision about the withdrawal of the troops (from Waitara)." I do not understand his present letter as a threat to make any attack upon the Waitara, but as a repetition of his urgency for a decision about the detachment.

I have the honor to be, &c., &c.,

G. GREY.

His Grace the Duke of Newcastle, K.G.

Enclosure 1 to Despatch (43) No. 5.

Mataitawa, May 5th, 1863.

TO MR. BELL,—

O friend, greeting to you, this is a word from me to you. I heard on the day that you departed from here, I heard it from Jeremiah, that the Europeans had died, the word spoken by you to him (Jeremiah) was that I should quietly consider my determination (i.e., think dispassionately over the matter). Now, bring in your Europeans from Waitara this very day, this is the result of my considering. This is all.

From TAMATI NGAMOKE.

Enclosure 2 to Despatch (43) No. 5.

Te Kaitekatea, May 6th, 1863.

TO MR. BELL,—

Friend, greetings to you. Your letter has come to me. You are right in saying that your enquiry to me was just. O friend, I told you to make haste, you waited for the evil, you heard the word that was said in answer to your enquiry, the man is dark (sorrowful) although the big weed is alive: had you hastened to take away your Europeans (soldiers) that great evil would not have happened, but you cling to the evil. O, Mr. Bell, through you arose that evil. Had you hastened to give up Waitara at the time you and I were writing, all would have been well. You could not see it for your eyes were diseased. Write to your Europeans to go away.

Friend, remove the Europeans (soldiers) that we may rest quiet, be quick. I have heard that you have erected a redoubt at Okeorukuru. I heard the report from Werereka.

From me, from your friend,

From NGAMOKE.

Enclosure 3 to Despatch (43) No. 5.

Minute by Mr. Bell (not printed ; being embodied in the Despatch).

No. 6.

REPORTS AND MEMORANDA OF INTERVIEWS BETWEEN THE GOVERNOR, NATIVE MINISTER, AND NATIVE INTERPRETER, IN REFERENCE TO A PROPOSED RECONCILIATION OF THE WAITARA TRIBES.

MEMORANDUM OF AN INTERVIEW BETWEEN HIS EXCELLENCY GOVERNOR SIR GEORGE GREY, AND THE MATAITAWA NATIVES, ON WEDNESDAY, 6TH MAY, 1863.

The following natives were present :—Horiana (daughter of William King), Wiremu Tamehana, Hapimana, Erueti, Henere, Haukoti, Kepa Ngakapa, Roira (wife of Tamihana), Pirika Te Matenga, Te Mangara, and Mahau.

The Governor asked Horiana to speak. She remained silent. The Governor asked them whether they had heard of the conversation that took place yesterday between himself and Teira's people. Horiana said they had not. Some desultory conversation ensued. Mahau explained that if he had left town last night he should have seen Tamihana, as had been settled, and would have told them what had passed. The Governor then desired the Native Minister to state what had taken place, which he did as follows :—

At the meeting with Teira yesterday, the Governor asked him and his friends to consider whether a way could not be found by which the Ngatiawa tribe could be reunited, and the dispute between them made up. Ever since the Governor came down here, that had been his chief thought. There was one thing which might now be spoken freely on the subject of the Waitara block. Some days ago, when it had been clearly ascertained that a large number of natives were living in the three *pas* at the mouth of the Waitara, at the time of the sale, and that originally, twelve years before, they had occupied these *pas* as a means of security against Ngatimaniapoto : Mr. Bell had told Teira that the sale of the sites of those *pas* was not clear. He repeated that statement to Teira yesterday, in the presence of Mahau, and invited him to consider whether this would not appear the opportunity of reuniting the tribe. Teira said he was doubtful whether there was any wish on the part of the Mataitawa natives for such a reunion, but agreed that Mahau should see them in a friendly spirit, and ascertain what their intentions really were. The Native Minister then went into a number of particulars, explanatory of the various conversations between the Governor and the natives of both parties, and concluded by inviting them to accept Mahau as a mediator, in order that the Governor's wishes for the reunion of the tribe may be carried out.

Erueti was first to reply. He said they did not know that they had been sent for to speak about Waitara ; they thought it was about the murders of last Monday. In all their interviews with the Governor and the Native Minister, they had urged the withdrawal of the detachment from Waitara,—but now, since the evil had occurred, they had nothing to say on that subject. Let the Governor now say whether he intended that William King's people should go back to Waitara.

The Governor said that this would depend upon whether the tribe would be reconciled, and come to a general agreement. He would not abandon those who had fought on the side of the Government during the late war. It was not for him to tell Horiana to go back to Waitara. If she preferred living at Mataitawa, let her do so. What he desired himself was, that they should go back to Waitara and live together in peace—that was for them to arrange among themselves ; that he had no desire to take any land from them.

Erueti rose and said that this proposal could not be at once agreed to, that it would take two or three years to work that out. William King was at Waikato ; there were people at Mataitawa and elsewhere to be consulted, and it had first to be seen what the Governor did to the South.

Then Tamihana interrupted and said that the Governor's words were clear ; for his part, he approved of the proposal to reunite the tribe at Waitara. Placing his hands together, he said, let Horiana and Teira be reunited. She, as William King, let the Ngatiawa tribe be reunited on the land. Erueti continuing his opposition, there was a general murmur, and Te Kepa Ngakapa said—Erueti, cease your interruption of this talk. Mahau then rose and addressed the meeting. He said, the Governor's love for the tribe has been declared. This is a question of life or death for us all. Choose life. To-day evil has come, who knows what will happen. Let the tribe be reunited. I consent to Horiana going back to Waitara. I will work with Te Teira. Why so much about William King ? Horiana is William King, she is here. Tamihana is William King, he is here. Kepa Ngakapa is here, he is William King. Choose life at once, at once while it is before us.

The Governor said that for a long time past this had been in his mind ; the murders just committed had not changed his desire about Ngatiawa, but there must be no misunderstanding about his intentions towards the Southern people, engaged in this crime ; he was determined to punish those implicated in the murders. Tamihana replied,—We perfectly understand that ; that is your business. The question

was repeated by Mr. Parris by His Excellency's command, whether they properly understood that the proposition for reuniting the tribe, was not made in consequence of those murders, and that the Governor would pursue and punish these murderers.

Horiana quickly replied,—We discovered your intentions when you first visited us at Mataitawa.

The Governor said : It is now for you to endeavour to discover a road by which you and Teira can be reunited.

Erueti and Tamihana immediately replied—That is for you Governor.

The Governor then asked : Will you leave it to me ?

Erueti replied—Yes, when your difficulties are over at the South.

The Governor then said : Well, that is enough for to-day, go and consult among yourselves upon the path I have pointed out to you.

The interview then terminated.

G. GREY.

Taranaki, May 8th, 1863.

No. 6A.

REPORT BY LIEUTENANT BATES, INTERPRETER TO THE FORCES.

In accordance with instructions received, I proceeded on the 7th May, 1863, to Waitara, calling on my way at Waiongona for Mahau, whom I requested to follow me to Waitara, in order to assist me in endeavouring to get some amicable arrangements at once concluded between Te Teira and the adherents of William King, with a view to a peaceable reoccupation of Waitara by the two, at present separated, divisions of the Ngatiawa tribe.

On arriving at Waitara, I found that those natives who had come down as a sort of deputation from Mataitawa, for the purpose of trying to come to some arrangement with Te Teira, in accordance with the wishes expressed by the Governor on the previous day, had left Waitara on their return homewards. I at once started a boy on horseback after them, to recall them. In the meantime, Mahau having arrived, I went to a large "whare" in the pa, in which were assembled Te Teira, Ihaia, Tamati, Tiraurau, Hemi, Rawiri Raupongo, and about twenty-five or thirty other natives, adherents of Te Teira. After my informing them of the purpose for which I had come, Ihaia proposed to give me an account of what had been said by the Mataitawa people, and especially by their spokesman, Erueti, who is I believe, properly speaking, a member of the Ngatimaniapoto tribe, and a strong adherent of the King movement. Ihaia said that Erueti had stated that he quite agreed to the Governor's desire for a re-union of the two parties of the Ngatiawa, that he was, as speaking the sentiments of the Mataitawa people, prepared to reunite with Te Teira, to live together with him ; but he said they must all be under the King : themselves, and the land.

To this, Ihaia, on the part of the adherents of Te Teira, had replied : "No ; we must all live under the Government. The Governor shall be a father to us. The Governor has lately proposed that we shall be enrolled as soldiers : join the Governor, Erueti, and you may be appointed a magistrate, or a colonel, or a general, or what not,—but you must give up your King."

To this Erueti had replied : "No, no no ; give Waitara into my hand, that I may write at once to the King and say, 'Waitara is in my hands,' all trouble will then be ended. Give me the land ; come under the king, and renounce the Governor. Though you trample on my King, he will stand erect," and so on.

They had argued for some time on this point, but that not agreeing, the Mataitawa people had returned home, and that thus the matter rested, no great advance having been made towards a reconciliation.

Mahau, who had heard the account of the meeting, now spoke a few words at my invitation, to the effect that this was a time of trouble and confusion,—and that it behoved all to do what they could to prevent trifling differences interfering to prevent a re-union of the tribe.

I now addressed a few words to those present, saying, that I thought it a pity that the name of the King should have been introduced,—that what we should think of was, "Here is Ngatiawa seeking safety for itself. As to that name of King, it is a new name ; do not drag it into the business. Unite with the now separated members of the tribe, therein is safety for all ; as to their King, if they prefer a parent who cannot feed his children, to a rich and kind parent, that is a matter of taste : do you remain under the protection of your father the Governor,—but let your brethren dwell with you ; and as to Erueti objecting to become a magistrate or a soldier under the Government, what is that to us ? You cannot force a horse to eat ; let him wait till the pangs of hunger gnaw his belly, and I rather think he will eat then."

Ihaia replied, that Erueti had introduced the name of the King ; that he had invited the Mataitawa people to live with them, under the protection of the Governor, but that Erueti had declined to give up the King,—and that thus they had been unable to agree. "Had we," said Ihaia, "consented to put the land into the King's hands, the thing would have been settled at once, and the messenger bearing the news would even now be at Mokau, on his way to Waikato."

About this time, the messenger who had been sent up after the Mataitawa people returned with a message to the effect, that, as the messenger had not overtaken them till they had nearly reached Mataitawa, it was too late to return that night, but that if I sent a message for them the next morning, they would return.

After Mahau had given an account of the interview between His Excellency the Governor and the Mataitawa natives on the previous day,—

Te Teira said that he consented to a re-union of the tribe, that Horiana (W. King's daughter) and her people might return to the block ; but that the investigation into the title of the land must be proceeded with, as he did not acknowledge her right to the land. Tamati Tiraaurau (the man who murdered Katatore) said : " My feelings are like a canoe tied to a post ; the Governor is that post : if that post is pulled up, my ' Whakaaro ' will drift away,"—meaning, I take it, that if the Governor's support were withdrawn from him, his allegiance would waver. I assured Te Teira that the Governor would not desert him, or leave him to the mercy of his enemies ; but I again urged him not to let small matters obscure the great object in view—that " these are troublous times—let the love of the tribe be strong—let Te Teira's heart warm to William King—let him return to his old sleeping place—let Horiana return to the ashes of her old fire-place—live together as brothers—it is not well that men's lives should be expended for a paltry 600 acres. Hasten to make a peaceable arrangement, as it is possible that the soldiers may be withdrawn from Waitara." This caused surprise on their part, and they said : " If the soldiers are withdrawn, it is giving us up to the King. We and our land must go to the King, for the late murders at Tataraimaka were committed on account of Waitara. Waitara is the true root of the evil." Ihaia said : " If Horiana returns to Waitara, let her live at Manukorihi, on the north bank ; there is no place for her here—true, she can live here—but where can she cultivate ? If Te Teira sees her cultivating the land here, he will say, ' Cease—you must not do that.' If indeed the Governor reinstates William King at Waitara here, I shall ask to be sent in a ship to some distant island."

I again impressed on Te Teira the necessity of his settling his differences at once, as, the purchase of Waitara never having been completed, and so much doubt existing as to the goodness of his title, it might be the intention of the Government to withdraw the soldiers from Waitara.

Teira said : " In that case you give me into the hands of the King ; " we shall have to join the King as the only means of safety for us,—then, if the Waikatos come down they will not attack us, for we shall be King's men.

A slight misunderstanding had arisen, in their thinking that I meant that the Governor would give the land to William King's daughter, but I explained to them that the Governor could not make over to her what was not his own to dispose of,—the purchase money never having been paid by the Government.

Te Teira insisted that the land had been purchased, as the deposit of £100 had been paid,—but that, if the purchase were repudiated, it would come under the supremacy of the King.

I said, that if anything I said did not appear clear, they had better refer to the Native Minister or the Governor, as there were many points on which I could not speak with certainty, without further instructions from the Governor.

Ihaia then repeated the account of the occupation of Waitara by William King, after the Ngatiawa migration from the South, and insisted that King's occupation of the land gave him no title to it, but was merely a " Noho Moaiho."

I said, that to myself personally it seemed that William King had no slight grounds in support of his case,—and quoted the late decision of the Governor with regard to the land quarrel of the Ngapuhis.

Te Teira replied, that the cases were not similar ones, as the occupation which was held to give Tiraaurau a claim to the land was of more ancient date than the occupation of Waitara by William King, and he urged that, according to the European law, occupation did not give a claim to land.

" But," said he, " though I acknowledge no right of William King to the land, if the Governor wants Horiana and her people to live here, let him pay me the unpaid part of the purchase money, and then Horiana can live here,—the Governor can give her the land."

I said again : " Oh Te Teira, let Horiana, William King, and their people, return to their old resting place ; let things return to their status before the late war. Do not make this a question about the Maori King."

Ihaia said : " The only question is—Is the land and ourselves with it to go to the King ? or are we to remain with the Governor ? If the land is given up, by the purchase money being abandoned, and the soldiers withdrawn, the land here will go to the King ; the island, in that case, will be satisfied ; Waitara will be in the hands of the King, and there will be no war."

" But," said I, " what about the murders committed by Taranaki,—do the people for a moment suppose that we shall not avenge them ? Supposing now that Waitara were given up, and that we then attacked Taranaki, would the rest of the island therefore interfere to prevent the punishment of Taranaki ? "

Ihaia replied : " The King party would in that case protect Taranaki,—for do not suppose that those murders were the work of Taranaki alone : it was the deed of the whole island, on account of the holding of Waitara,"—and he then proceeded to say that the Mataitawa people had approved of the deed of Taranaki ; that the Mataitawa people had, on the re-occupation of Tataraimaka, written up to Waikato, informing the King party of the fact, and asking for instructions,—in reply to which, a letter came back from the King, saying, " Taia i te itinga " (smite them while they are few in number). This letter came to Mataitawa, and the Ngatiawa there passed it on to Taranaki : and that now these murders had resulted, and were the act of the whole island for Waitara. He said also that Patara came to Mataitawa, and obtained the consent of the Mataitawa people to the ambuscades being laid. That a general rising is planned, and that the Mataitawa people would have already risen, but that Te Hapimana, Hapukuku, Wikitoa, and Tamihana opposed it.

He further said, that Erueti had that day told them that the murders at Tataraimaka were the

work of all the island for Waitara,—that further trouble was at hand,—that he (Erneti) would return and bid them farewell before the disturbance actually commenced ; but that it might break out at any day—the following day or the next day possibly. Ihaia and the others said, that it was not safe for me or others to ride so far from the town, as more murders would be committed, and they begged me to be cautious as the Mataitawa people are waiting for the decision of the runanga, now sitting in the Ngatiruanui country, at Taiporohenui, and which is just now on the point of closing,—and also for the decision of the runanga sitting at Hangatikei,—On the decision of these runangas the Mataitawa people will act in regard to rising. That, according to his (Ihaia's) opinion, Erneti was anxious to conclude an arrangement on that very day, in order that messages might be sent to prevent a rising of the natives in other parts. He said that Tamati Hori was implicated in the Taranaki murders. Ihaia further went on to explain that they were afraid of living together with the Mataitawa people, for fear of treachery on their part.

He said that the following song was sung by Ihaia te Wharepu, of Mataitawa, as conveying his consent to the murders.

Huakina i runga,
Huakina i raro,
Huakina i nga raparapa,
O Korotutu ka puta te piro,
E Kaha ranei he kanikani,
Kai raro te karapitinga o nga Kauraho.

This too was the song of Tamati Hone—

Hokewaoe ! Hokewaoe !
Huruturu patete kai ate,
Kuri kuri ki aue e e,
Tara pikoe ana Maori ora e pai ti !

This is as clear a statement as I can make of what was said at my interview with the natives at Waitara ; the conversation lasted about seven hours, and as I was unable to take notes at the time to any extent, I have had to trust considerably to memory. I would mention in conclusion that I did not place implicit confidence in all that was said by Ihaia, as that chief's antecedents have made him excessively anxious to obtain the protection of the Government against his numerous enemies, and consequently a reconciliation between the Government and William King's followers would not suit Ihaia's private views.

HENRY STRATTON BATES,

Lieut. 65th Regiment and Native
Interpreter to the Forces, New Zealand.

Taranaki, 8th May, 1863.

No. 6B.

MEMORANDUM OF AN INTERVIEW BETWEEN THE GOVERNOR AND CHIEFS OF SEVERAL TRIBES ON FRIDAY, 8TH MAY, 1863.

There were present Mahau, Ihaia, Poharama, Komene, Tupoki, Mokena, Huriwhenua, Hemi Pataka, Kepa, Tamati Rahua, Porikapa, Paranihi and several others. By general consent of the chiefs, Ihaia was requested to give an account of what took place at the meeting at Huirapa yesterday. His statement was in the main similar to that of Lieut. Bates. The principal point was that they had all agreed to a reunion of the tribe, but that the Mataitawa people had insisted that if such a reunion took place, the people and the land should be under the *mana* of the King and not of the Governor. They had not understood distinctly from Lieut. Bates, what the Governor's special decision was, and therefore the Chiefs now present had assembled together in order to hear the Governor's word, and that there should be no misunderstanding. For their part they consented cordially to the Governor's proposal for a reunion of the tribe at Waitara ; but they said, let it be under the *mana* of the Governor, and the Queen.

The Governor and the Native Minister explained the difficulties in which the Government was placed with respect to the Waitara Block in consequence of the new facts which had come to light. The Governor said that he had arrived at the conclusion not to proceed further in the purchase from Te Teira, but to resign all claim over the block. His Excellency said that he gave no judgment on the question of title ; he did not decide whether the land belonged to Te Teira or William King ; what he wished them to understand was, that as a part of the land had been occupied during a number of years he would not complete the purchase. But as the Deed of Sale stated that the sum of £600 had been received by Teira and his friends, and three years had now been allowed to elapse, he considered it fair that the balance of £500 should be paid to them. It was for him to renounce the purchase as he believed Governor Browne would have renounced it, if he had known that in order to complete it he would have to evict 200 people from any part of it. But that was no reason why they who had sold their rights for a sum of money, should now be refused the payment agreed for. The payment however would not be made as the price of the land, but as a fulfilment of the engagement originally entered into, as to the money to be paid. Thus Teira and his friends would receive the money stipulated for. While he, freed from any claims from them on that point, would let the land lie as it was before that purchase, according to whatever rights of ownership then existed, and so no

difficulty would occur if they were content to live again in peace upon it as they did when they came up from the South.

Ihaia, Hemi, Mahau, Paranihi, Poharama, Poricapa, and the others said "E tika ana, ka nui te marama," (it is right, the Governor's words are very clear). Hemi came forward and declared, If the sale had been declared wrong by an investigation, I should have gone from it without a complaint. Let us now clearly understand what the Governor means by restoring the land, does the Governor mean to give judgment in favor of William King (Whakatu te tika ki a Wiremu Kingi). Or does he restore it to the Maori ownership before the purchase. The Governor repeated that he gave judgment in favor of neither party as to the question of title. What he knew was that a number of people had been upon the land, and the invariable rule was, in buying land, that people resident upon it should not be turned off; Let the land return to its position before the purchase, and let all who lived there once return there in peace, or not, as they pleased. A long discussion then ensued, the chiefs successively addressing Kepa, in order that he might declare to the Mataitawa people that the Governor did not give the land to the King but to the Ngatiawa tribe. Ihaia came forward and said: We agree to your words, they are just. We will receive the law from your mouth. We fought for the Governor when he told us to fight, and we yield when the Governor tells us to yield. Your word shall be law to us. Nor do we complain, for we love our tribe, the Governor's law for us is that we be reunited. I have nothing to do with Teira's land. William King is my near relation. If we are reunited I shall no longer live with Teira, let Horiana come back to me. We shall all be too glad on our side to be reconciled; but as for me, I live in the shadow of death. I will never consent to join the King, and they will never cease to urge me. They will then think of the old feuds, and my sins, and the axe will fall upon my head, therefore, Governor, though your word shall be law to me about the land and the reunion I say to you when the day comes take me to some other land, where I may live with the Europeans whose friend I have been, remove us that day to a place where the sun shines and where I may be at peace. Mahau rose and extending his hand said, I also say remove me from the land of trouble when the day comes that the King shall strive in vain for me to join him. Look at my head, there is blood upon it, not your's, but the blood of my own race, which I spilt fighting for you. But I still say, the Governor's word shall be law to me. Only I will never join the King. Take me where you please, only let your hand be upon me wherever I go. Listen. I was not a Queen's man in the days of Katatore, but I vowed fidelity to the Governor afterwards, and I will never go over to the King. Your love to the tribe is just, and I consent to it; but when the King finds that I will not join him, the blood that is upon my head will be remembered; and then I shall come to you and say give me a canoe that I may escape. The Governor said I will not desert those who have served the Government, I will protect you from harm? Come to me when any danger threatens and I will take care of you. I cannot go on with the purchase of this block, but I will not suffer evil to fall upon you. Another long discussion then ensued among the Chiefs on the subject of letters received from Waikato, and on the question whether any general rising would take place upon the punishment of those engaged in the recent murders; The Native Minister reminded the Chiefs of all that had taken place during the meeting with the Mataitawa people on the 6th May, and of Mahau's appeal to them to choose life while it was before them. The Governor said, There must be no misunderstanding as to his intentions, retribution would surely overtake the murderers; those who assisted the men who had been engaged in the crime would be treated as murderers themselves. We offered the Ngatiawa tribe to return to the Waitara in peace; if they rose against him when he went to punish the murderers he would occupy the whole of the Waitara, he intended now to withdraw the detachments therefrom. But if the Mataitawa people, rejecting the offer to return to the land in peace, attacked Mahau and Teira or took part with the Southern people in the Tataraimaka quarrel, they would see what measures he would take for the safety of those who desired to live in quiet. Mahau and the other chiefs said We are now saved, and they charged Kepa to carry these words to Mataitawa. The interview then terminated.

No. 7.

MINUTE BY HIS EXCELLENCY IN REFERENCE TO ABANDONMENT OF THE WAITARA.

The Governor has been, in so far as he could, acting upon the advice given to him by his responsible advisers in their memorandum of the 5th instant. Two or three points in it may hereafter require further discussion, such as the conditions which the Governor should impose on William King's people, and the terms of the proclamation he should issue to the Taranaki and Ngatiruanui tribes.

In the mean time, from intelligence the Governor has this morning received, (which will be at once communicated to them by Lieutenant Bates) he ventures to state to ministers, that it is his decided opinion that the Government should forthwith announce, in terms which the natives cannot misunderstand, That from facts recently come to their knowledge, they will not proceed further in the purchase of the land at the Waitara. That the government does not claim that block of land, or assert any right of property in it. At the same time, the Governor would recommend that Te Teira should be treated with such liberality as the government may think he deserves. It being remembered that three years since the government notified publicly that "Te Teira's title has been carefully investigated, and found to be good. It is not disputed by any one," and at the same time they took from Te Teira a conveyance for this land, and his acknowledgement that he had received £600 in

payment for it, although £500 of that amount, it now appears, has been withheld from him to the present time.

The Governor would earnestly press that no time should be lost in taking positive steps in these matters.

G. GREY.

Taranaki, May 8th, 1863.

NOTE REFERRING TO THE FOREGOING MEMORANDUM.

The Governor would suggest to ministers that the balance (of £500 ?) to be paid to Te Teira and his friends, should not be paid for a month or two, until it is seen how affairs turn out. It might now be used in part against the European race, for it would pass into various hands amongst the relatives of those who receive it. The natives have given the Governor warnings on this subject.

G. GREY.

Taranaki, May 9th, 1863.

No. 8.

MEMORANDUM ADDRESSED TO HIS EXCELLENCY BY MINISTERS STATING CONCURRENCE IN
ABANDONMENT OF WAITARA.

With regard to the Governor's minute of this day's date, Ministers offer the following observations.

1st. That in their minute of the 30th April, while mentioning certain objections that appeared to them to exist to the abandonment of the Waitara purchase, they expressed their willingness to assist in carrying into effect His Excellency's decision, should that decision, notwithstanding these objections, still be in favor of that course. Three days afterwards (3rd May) a statement was received from Te Teira and his people, confirming in material points, the previous statements made by Te Teira himself to the Native Minister, and communicated to the Governor by the latter in his Minute of the 20th April. Considering the engagements the New Zealand Government had entered into with Teira's people, it appeared to government that an attempt should be made to bring about a reconciliation between the two native parties, (Wiremu Kingi's people and Te Teira's) with a view to their being peacefully reunited on the Waitara land. Accordingly, on Monday morning, (the 4th inst.) the Native Minister went to Mataitawa, and had a long interview with the natives there, of W. King's party; This was interrupted by the Native Minister receiving by a messenger, especially sent by the Governor, (and while at a village, the fidelity of many of whose inhabitants might be doubted), the terrible intelligence of the murders at Oakura, committed the same morning.

Vide 13 A,
page 32.

Vide Enclosure 5
page 5.

In the evening, after a long consultation with the Governor, as to the course which should be pursued in a case of so much difficulty, His Excellency's proposal that the troops should be withdrawn from the Waitara, and the northern frontier be defended by a force of natives, was agreed to by Ministers.

The next morning Ministers offered special advice to the Governor with respect to the Waitara, as recorded in their minute of that day.

Vide No. 4,
page 20.

Meetings with Te Teira's own people and then with the Mataitawa natives, and Mahau as the representative of Te Teira, were held, when a proposal was made by the Governor, that the tribes should be re-united on the Waitara, and that Teira and Horiana (W. King's daughter) should be reconciled, Mahau acting as the mediator between the two parties, in order to bring about an amicable settlement of their dispute. After this meeting the Governor again had notice of the proposed general rising as stated in the Native Minister's memorandum of that date.

The next morning (yesterday), H.M.S.S. "Eclipse," from Manukau brought intelligence from the Native King's own family, that a body of Ngatimaniapoto, under some of their principal chiefs, had started for Taranaki, with the avowed object of expelling the troops from Waitara.

On the same day deputies from Mataitawa went down to Hurirapa and had a meeting with Te Teira's people on the subject of the Governor's proposal. The particulars of the objections raised by Te Teira are stated in Lieutenant Bates' report.

It is evident from the dispatch of the Duke of Newcastle, received yesterday, that the Imperial Government still maintain the opinion that the Waitara was a "settler's war." It is in vain for Ministers any longer, (in the midst of difficulties which require instant action), to contend against this view, it only remains for them to avoid the possibility of any war being renewed on any grounds that would admit of that assumption as to its character and origin, which would be the case were war to be renewed at Waitara.

Independently of this consideration, the imminent danger of a general insurrection, if any fighting whatever takes place at the Waitara; the exposed position of the other settlements of the North island, to which ministers must mainly look; and the necessity of now employing a large body of troops to the South of New Plymouth, make it absolutely necessary to withdraw from any risk of a collision at the Waitara. This can only be done, (notwithstanding the risk mentioned by Lieutenant Bates of the land being placed under the Maori King's authority), by the adoption of the Governor's proposal in His Excellency's minute of to-day, and Ministers therefore concur in that proposal.

Taranaki, 8 May 1863.

ALFRED DOMETT.

No. 8A.

MEMORANDUM BY MINISTERS ACCOMPANYING THE ONE DATED MAY 8TH, RELATIVE TO THE
WITHDRAWAL OF THE TROOPS FROM THE WAITARA.

The draft of the Minute was taken to the Governor on the evening on which it was written, and some alterations in the wording of the narrative part of it were made at His Excellency's suggestion, leaving it precisely as above written. As the English Mail was to close the next day (though afterwards detained till the 10th), the Colonial Secretary made two copies of it, one for the Governor, and one to be sent to Mr. Crosbie Ward.

Vide No. 9, infra.

The latter was made up by Mr. Bell and posted on the 9th instant to Mr. Ward. So confident were Ministers that the other copy had been sent to His Excellency, that in their Minute of the 11th instant, on the subject of the withdrawal of the troops from Waitara, they expressly state that they had given their assent to that measure in their minute of the 8th instant.

ALFRED DOMETT.

May 16th, 1863.

No. 8B.

MINUTE BY HIS EXCELLENCY AS TO WITHDRAWAL OF TROOPS.

The Governor wishes to remark on the Minister's Minute of the 16th of May, covering their Minute of the 8th of that month, that his impression is that he did not receive this minute until the 16th.

The Governor was very anxious to obtain from Ministers an expression of their opinion as to whether they thought the troops should be withdrawn from the Waitara, and not receiving from them the Minute he has for two or three days expected, he on the night of the 10th of May went to Ministers and suggested that a meeting between them, the Lieut.-General and himself should take place on the morning of the 11th to decide on the expediency of the proposed step. This meeting took place in the Minister's room. It was unanimously agreed that the troops ought to be withdrawn, and Ministers then undertook to give in a Minute on the subject. This was done early in the afternoon of the 11th, Ministers recommending in that Minute that the Troops should be withdrawn from the Waitara on the next day, the 12th; but the Governor explained that the necessary transport would not be forthcoming until the Wednesday, the 13th of May, on which day the Troops were marched into Town.

G. GREY.

Taranaki, May 18th, 1863.

No. 9.

MEMORANDUM ADDRESSED TO HIS EXCELLENCY BY MINISTERS AS TO PROVIDING FOR FRIENDLY
WAITARA NATIVES ON ABANDONING THE BLOCK.

Referring to a conversation yesterday afternoon with the Governor, His Excellency brought under the notice of Ministers the necessity of an immediate decision* being come to as to the withdrawal, or the contrary, of the troops from Waitara.

This measure was proposed by the Governor to Ministers at the consultation with His Excellency on the night of the 4th instant, agreed to by Ministers, as mentioned in their Minute of the 5th instant, and again in that of the 8th instant.

The proposal alluded to was coupled with another, That the Northern frontier should be defended by a native force to be immediately organized. But great difficulties arose on the part of the Waitara and Waiongona natives. At the general meeting on the 8th instant, Mahau and Ihaia prayed the Governor not to remove the troops, and again on the morning of the 9th instant, they renewed their request, and His Excellency told them he would take a little time before finally deciding, but led them to expect that his decision would still be to withdraw the detachments.

The departure of the English Mail prevented the Native Minister from waiting upon the Governor with these natives on Saturday evening, the 9th instant.

So far as Ministers are concerned, the necessity of withdrawing the troops has already been admitted. Unless this were done, it would, in the opinion of the Native Minister, be absolutely impossible to convince the natives concerned that we had really abandoned the purchase of the Waitara block.

Ministers, in stating in their Minute of the 30th April that they would assist in carrying out the Governor's proposal to abandon the purchase, considered they had always expressed their willingness to assist in carrying out what followed as a necessary consequence, viz., the withdrawal of Her Majesty's troops from a piece of land over which the Crown renounced all claim. Further; as they had stated, as a possible objection to the abandonment of the purchase, that it might seem to involve the abandonment

* See Minutes 8 A and 8 B, supra., and Note at foot of page 27.

of the natives who fought on our side in the war, and yet declared their willingness to render the assistance alluded to Ministers ; thought it would be understood by His Excellency that they considered it possible that some mode might be found of obviating the objection.

Such modes would be—the offering them an asylum within the lines we intend to maintain—or removing them to a distance, as to Queen Charlotte's Sound for instance—and making provision for their comfortable settlement and maintenance in their new abode.

Ministers conclude by expressing their opinion that the troops should be withdrawn from Waitara and Mahoetahi to-morrow.

ALFRED DOMETT.

May 11th, 1863.

No. 9A.

MINUTE BY HIS EXCELLENCY ON THE FOREGOING MINUTE.

The Governor acknowledges the receipt of Ministers Memorandum of the 11th instant, regarding the withdrawing the troops from the Waitara. It was received too late yesterday to admit of that operation being carried out to-day ; but the troops will be withdrawn from the Waitara and Mahoetahi to-morrow morning.

G. GREY.

May 12th, 1863.

No. 9B.

MEMORANDUM ADDRESSED TO HIS EXCELLENCY BY THE NATIVE MINISTER AS TO TEIRA'S
TAKING CHARGE OF THE BLOCK HOUSE AT WAITARA.

The Native Minister begs leave to inform the Governor that, since the meeting of the Executive Council to-day, arrangements have been made under which the Block house at the Waitara will be taken charge of by Teira and Ihaia's people, upon the withdrawal of the detachment, provided that a reasonable supply of ammunition is supplied to them. These arrangements will probably require the confirmation of Teira himself, but as Hemi and Ihaia have agreed to them, the Native Minister considers that such confirmation may be confidently looked for.

F. D. BELL.

May 11th 1863.

No. 10.

COPY OF A DESPATCH FROM HIS EXCELLENCY SIR GEORGE GREY TO HIS GRACE THE
DUKE OF NEWCASTLE.

Taranaki, May 13, 1863.

MY LORD DUKE,—

I have the honor to state that, since I addressed Your Grace, upon the 10th instant, nothing of any great importance has transpired at this place.

2. The Lieutenant-General has this morning proceeded to the Waitara, to withdraw the detachments quartered there, the Local Government having determined that it ought not any longer to hold the land it claimed there. This movement will much consolidate our force, and shorten the line it will be necessary to defend, if hostilities on any large scale break out.

3. No intelligence has been received from any other part of the colony since the murders took place, which I have reported to Your Grace. I still trust that they may generally meet with the reprobation and detestation they so fully merit. But, however this may be generally, so far as the tribes to the South, between this and Whanganui, are concerned, we have intelligence, which I believe to be quite authentic, that large numbers of them are in arms.

4. I am unable to write at length, for this letter will be taken by a vessel which has only called here for an hour on her way to Sydney.

I have the honor to be, &c., &c.,

G. GREY.

His Grace the Duke of Newcastle, K.G.

No. 48.

COPY OF A DESPATCH FROM HIS EXCELLENCY SIR GEORGE GREY TO HIS GRACE THE
DUKE OF NEWCASTLE.

Taranaki, May 14, 1863.

MY LORD DUKE,—

No. 50.

I have the honor to state the following facts which I think Your Grace does not know ; I only knew them yesterday.

Enclosure 1.—Vide
infra.

1.—There are two natives, brothers, named Ihaia and Tiraurau. These men contrived, and one of them personally assisted in, the murder of a chief named Katatore, and of another of his people. They were both unarmed. The murdered men were sent for by the Government to come into the town of New Plymouth on business. They came as the Government had requested them. They were forbidden by the Government to bring in their arms with them. They came therefore unarmed.

Enclosure 2.—Vide
page 31.

3.—The murderers watched them in the town, then went and laid an ambush for them behind a hedge about five miles from the town, on our land, in a settler's paddock close to his house. They shot down the murdered men and brutally defaced them with tomahawks when wounded, and even after death.

Enclosure 3.—Extract
of Report from Native
Secretary, 27th Jan.
1855.

4.—Ihaia also had a Ngatiruanui man by the name of Te Remini murdered by shooting. This man was living with Ihaia's people apart from his own tribe. Te Remini thus belonged to one of those tribes now engaged in murdering our officers and men.

Enclosure 4.—Mr. Halse
to the Native Secretary,
11th Jan., 1858.

5.—These shocking murders committed in one case upon our own land, to which we have brought the murdered men unarmed, created great horror amongst the Natives, and they narrowly watched our conduct in reference to the murderers. I believe it is admitted that these murders did not take place without very great provocation, arising in one case from the death of other persons who had been shot down without any just cause, and in the other case out of an alleged act of adultery, but their cold blooded and treacherous nature excited an intense feeling of disgust, and the natives were determined sooner or later to avenge them, and rose in bodies to attack Ihaia and his people for that purpose.

Enclosure 5 to Despatch
39. Vide page 5.

6.—Te Teira, the man who offered to sell to the Government a block of land at the Waitara, is a relative of Ihaia's, and of Tiraurau, and their great friend. When he made the Government the offer to sell the land at the Waitara, he and Ihaia omitted to inform the Government that twelve years before a general agreement had been come to, among the tribe to which they belonged, under which the sites of certain villages had been selected for the purposes of general defence, and not merely as accommodation to William King and his people, by whom they had been actually occupied since the date of that agreement, and were still occupied when the land was offered for sale.

7.—The result was we bought the land. When William King and his people were turned off it, a war ensued, our former friends became our enemies, Ihaia, Tamati Tiraurau, and Te Teira, acted as our allies.

Tamati Tiraurau,
Rona,
Mokena,
Wirihana,
Kihirini,
Hori.

8.—We had ultimately to build a Block House on the land at the Waitara. The murderers I have alluded to occupied a portion of this land close to our Block House, and thus lived under our protection, and have continued to do so to the present time. The men named in the margin were those actually concerned in the murder of Katatore and the man who was with him. All of them but the two last are still living with Ihaia under the protection of our Block House. The last man Hori is dead. We have protected these men as our allies for three years, thereby, in the eyes of a large portion of the Native population, much too closely identifying ourselves with murderers. On the other hand after having availed ourselves of their aid, and of that of their few people in war, it is not easy to disembarass ourselves of the difficulties in which we are involved. In fact it is impossible wholly to abandon them.

9.—I believe it had always been the intention of Government only to employ Her Majesty's Forces for the protection of the good against the bad, or to restrain the lawless and violent, therefore it was thought the good of all races might be employed for this purpose ; and generally large bodies of Natives joined us in endeavouring to punish the evil disposed. Now from the nature of the alliances we have been drawn into, I find the quarrel has become almost a quarrel of Race and that there is great difficulty in getting even our friends to join us.

I have, &c.,

G. GREY.

His Grace the Duke of Newcastle, K.G.

Enclosure 1 to Despatch (50), No. 11.

THE PRIVATE SECRETARY TO MR. PARRIS.

Taranaki, 14th May, 1863.

SIR,—

The Governor requests that you will be good enough to inform him if he is right in the impression he has, that you told him, that on the day on which Katatore was murdered, that chief

was sent for to come into town by the Provincial Government, and that the Military or other Authorities told him he was to come in unarmed.

I have, &c.,
W. SEED,
Private Secretary.

Robert Parris, Esq.,
Assistant Native Secretary.

Enclosure 2 to Despatch (50) No. 11.

MR. PARRIS TO THE PRIVATE SECRETARY.

New Plymouth, May 14th, 1863.

SIR,—

I have the honor to acknowledge the receipt of your letter of this date, and in reply to state for the information of His Excellency the Governor, that on the 8th January, 1858, at the request of His Honor the Superintendent, I went to the Kaipakopako to see Katatore, to request him to come into town the following day, to make arrangements with the Provincial Government for cutting some thistles. I also instructed him not to come armed, as I had received instructions from the Officer Commanding the Garrison, that no Natives would be allowed to come into town with arms. Katatore came to town unarmed, and after agreeing with the Provincial Government for the above work, as he was returning to his place in company with Karina, William Tamihana, Meihana Te Kukuparu, and a little boy, they were attacked by an ambuscade, designed by Ihaia and his brother Tamati, when Katatore and Karina were killed, and the other three escaped.

I have, &c.,
ROBERT PARRIS,
Assistant Native Secretary.

W. Seed, Esq.,
Private Secretary.

Enclosures 3 and 4 to Despatch (50) No. 11.

Vide Appendix to Journals of House of Representatives, 1860. E. No. 2, pp. 26, 27.

No. 12.

COPY OF A DESPATCH FROM HIS EXCELLENCY SIR GEORGE GREY TO HIS GRACE THE DUKE OF
NEWCASTLE.

Taranaki, May 19th, 1863.

MY LORD DUKE,—

I have the honor to transmit for your Grace's information, an extract from the "Taranaki Herald," the proprietors of which paper pledge their word to the truth of the statement they make, which is a very important one.

"Paora of Mataitawa, who is in town to-day (May 16), says, that as Waitara was the cause of the murders last week, they (the people of Mataitawa) shall join their friends the Taranakis, if the Governor attack them. He says that though they had all along asked for Waitara to be given up to them, it was only when the Governor heard of the murders that his heart stood still, and he said 'Ah! I must give up Waitara.'"

2. I have written to my Responsible Advisers to beg them to have the truth of this statement ascertained; if it really is true, it is of much importance. It shews the murders were committed out of revenge for our retaining the land at the Waitara, and that therefore all the people implicated in the confederation which arose from our proceedings in that instance, will probably feel obliged to protect the murderers, and that consequently if a general rising takes place, a very large portion of the population will be arrayed against us.

I have, &c., &c.,

G. GREY.

His Grace the Duke of Newcastle, K.G.

No. 54.

Enclosure.

Saturday, 16 May, 1860.

MEMORANDUM ADDRESSED TO HIS EXCELLENCY BY THE HON. NATIVE MINISTER IN REFERENCE
TO TEIRA'S STATEMENT AND LETTER.

The Native Minister thinks it would be well, before the circumstances are forgotten, to record for the Governor's information how it was that Teira's statement (received on the 2nd May) came into his hands.

Vide page 5, at foot.

In his minute of the 17th April, the Native Minister informed His Excellency of what had taken place in a conversation between himself and the Chiefs Teira and Ihaia on the subject of the Waitara. This was naturally talked about among the natives, and Mr. Bell was asked about it by several of them. In that way it appears to have got abroad.

On Monday the 27th of April, as Mr. Bell was afterwards informed, a Settler in this place, who was formerly in the Native Office, went down to the Waitara and asked Teira to make a statement in writing for him on the subject, with a view to publication in one of the newspapers. When Teira had written out the statement, instead of taking it to the settler in question he brought it, like an honest man, to the Native office, and placed it at the disposal of the Government. He and Ihaia then came to see the Native Minister, who took the opportunity of comparing with them the statement and his own minute of the 17th April. For this purpose he carefully translated the minute to those chiefs in the presence of Mr. Gorst, and they allowed its accuracy with one exception, which will be presently noticed.

The following were the material points stated in the minute as having been communicated by Teira.

1. That on coming up from the South in 1848, the tribe had agreed to live together for the security of all against invasion from Waikato.

2. That William King had himself at that time proposed to live on the North bank of Waitara river.

3. That it was, however, agreed to form the tribal settlement at the three pas on the South bank for the purpose of general defence.

4. That the ownership of the land selected for the three pas had been admitted to be in Teira's family.

5. That in the sale of the block, a reserve of 200 acres had been stipulated for by the sellers.

6. That the sites of the pas had not been intended by Teira to be sold.

7. That the old native allotments (taupu) were to be marked out, as there were other claimants besides Teira.

It will be seen that on the first five points, which are the most important, the minute and Teira's statement entirely agree. Teira, however, makes a material limitation in his statement, as to the time the tribe was to remain together at the three pas, and says that it was agreed that the pas were not to be a permanent dwelling place; but that at the end of three years the tribe should separate, and that accordingly many sections then dispersed to their own lands, though William King remained.

Here then is another new feature in the case which the Native Minister does not remember to have been mentioned before. But if Ministers had known it before their minute of the 30th April, it would not have altered their view of the case; because the fact was, that notwithstanding the alleged condition, William King and his people had actually remained in the tribal occupation of the pas, and it does not appear that the Government would have had a right, as a third party, to step in and determine that the time had come when the condition should be enforced as between the other two parties.

On the sixth point, Teira's statement and the minute of 17th April are at variance, and this is the exception pointed out by Teira as above stated.

Instead of his not having intended (as Mr. Bell understood him) to sell the sites of the pas, Teira shews that they were included within the boundaries offered, and asserts that he had demanded of William King, "that William King and all the people should go, that their houses should be taken down, and that Teira's piece should be clear for disposal to Governor Browne."

But it is not credible that this was known to the Government at the time, for it never could be supposed that any government in New Zealand would knowingly engage in a purchase, the first condition of which, made by the seller, was, that people living on the land should be ejected in order to leave it clear for sale. This is another new feature in the case, now for the first time brought forward, and it is due to Colonel Browne, to point out that in the same statement in which Teira speaks of his own demand upon William King, he says that Colonel Browne "did not say that William King's piece should be taken, but that William King's piece, within Teira's, should be left for him."

The 7th point is not alluded to in Teira's statement, but it was admitted, with the rest, to have been correctly stated when the Native Minister and Mr. Gorst translated the minute to Teira.

F. D. BELL.

Taranaki, 20th May 1863.

No. 13A.

STATEMENT BY TE TEIRA.

On the 16th April, 1863, we two (Teira and Ihaia) went to the house of Mr. Bell. When our talk commenced, we two went to talk about another subject; our talk commenced respecting the

return of William King to Waitara. Mr. Bell said—The work of the Governor was correct. One thing was wrong, namely, his purchasing the three pas. If you had left out the three pas William King would not have been dark. Mr. Bell then asked us to reply to what he said.

We said we will not reply to you lest our reply should be one-sided. Rather we will speak of the intentions of the Governor. The Governor did not say that William King's piece should be taken; but that William King's piece within Te Teira's should be left for him. "Even if William King's piece should be large it will be for himself. Even if your piece should be small, Teira, it will be for me. "If it all belongs to William King there will be none for me; but if it is yours only Te Teira then the "whole will be mine."

Secondly. Governor Browne said that William King's piece should be marked off. William King did not consent.

Moreover Te Teira's first word to William King and all the people before the handing over of the land and the Parawai (Native Mat) to Governor Browne was this, that William (King) and all the people should go—that their houses should be taken down, and that Teira's piece should be clear for disposal to Governor Browne. This is our reply to the talk of Mr. Bell.

Another thing; we three spoke in the absence of Mr. Parris. He was not present at our talk with Mr. Bell. If Mr. Parris and the people who have caused the confusion had been present, we should have entered fully into the matter with Mr. Bell. This was the reason we did not answer the word of Mr. Bell. We said to Mr. Bell—The Proclamation of Governor Browne was correct; because I gave the piece (of land) correctly to the Governor. William King also saw me give it while peace was not yet made with Ihaia, with whom were my friends in the piece of land.

When peace had been made with Ihaia, the hundred (£100) was given to me. William King, Te Rangitake saw that £100. Let it not be falsely said that this £100 was given me as a bribe by the Governor, but rather as an earnest pledge for all that piece of land which I gave. Our thoughts are that there should be no confusion of much talk. The Governor's Notice decides it.

In our Migration from Waikanae when we arrived at Tangahoe, Hone Hira Te Heke stood up in the evening and said—When we arrive at Waitara we will give one side of Waitara to Governor Grey in payment of his and William King's talk at Waikanae. Tamati Tarepa (Tamati Raru, Teira's father) said it is not right that this payment be made while we are on the water, rather when we get on shore and our feet are dry, it shall be settled. William King repudiated what had been said between Governor Grey and himself. We arrived at Waitara in November 1848. The tribe and the chiefs of the Migration deliberated what should be done about a dwelling place for the women and children lest they should be killed by Waikato. William King said—Let the pa for the women and children be taken to the other side of Waitara. Ihairaira Te Tuke, and Parata Te Huia said Leave it at the Kūhikūhi, Hurirapa, and Werohia, that Puketapu may be near in case the enemy Waikato should come.

William King stood up and addressed the Chiefs and all the people saying, Listen the tribes. It does not rest with me but with the people whose land this is. It is not a question of a permanent settlement but only a mere dwelling place, that Waikato may hear that the fire has become ashes, inasmuch as we are all living together. Do not let us separate, so that if the enemy comes we shall all be in one body. When we see we are safe let each one go to his own land.

Then Tamati Tarepa and Ihukura Herewaka agreed that they should live there for three years and then go to their own places. It was not that this place was given to them for a permanent dwelling place; but as a place to live in whilst in fear of the enemy, of Waikato.

At the end of three years the people of Pukearuhe, Mimi, Urenui, Onaero, Tarangi, Pukerangiora, Otarawa and Ngatimarū all went to their own land. William King and his people remained on that piece of land.

The third year a letter came from Bishop Selwyn asking for a piece of land for a College.

Afterwards he came in person to Waitara and said Give me Waitara as a place for a College. Tamati Tarepa and Hopa Rauponga did not agree to this word of the Bishop; but afterwards all the tribe worked at timber for a house of Prayer.

After the Bishop, came the Rev. Mr. Williams with the same word, but Tamati Tarepa and Hopa Rauponga refused a site for the Church and College, and said—We understand: our children understand how to Plough and Drive and do Arithmetic.

Afterwards in the year 1858 I began to talk about agreeing to sell this piece of land to the Europeans. On the death of Waitere (Katatore) William King commenced hostilities against Ihaia and Ihaia went to Mimi. Governor Browne came (to New Plymouth) and Mr. McLean and Mr. Parris came to tell us of his arrival and to fetch us to see him, and then they returned.

The next day I said to William King, Did you see Mr. McLean and Mr. Parris? He replied, Yes. I said, What did they say to you? He said, they told me when the gun fired I was to go to Town. I said, They told me the same. Let us go now. He replied, You go, I will go in the evening. That was all. Ritimana and I went. In the evening William King and his party arrived at the Kawau and slept there. The next morning we went to the house of Mr. Parris, and Mr. McLean asked William King about his agreement as to Waitara in his conversation with Governor Grey at Waikanae. But William King did not approve of his question.

After this Governor Browne arrived at the house of Mr. Parris and then Te Teira stood up and said, Listen Governor, Mr. Richmond, and Mr. McLean. I now give Waitara to you O Governor, Mr. Richmond, and Mr. McLean.

I said I give my piece at Waitara to you Governor. Listen to me the assembly. If you oppose me I will put back the boundary to its former place. Listen ye people, if you oppose me I will remove the boundary to its former place.

I then described the boundaries, commencing at Taumata from thence the boundary runs straight to Poutona, from thence in a straight line to Matawhetu, from thence in a straight line to Wharekao, turns inland from thence and runs straight to Ruangarahu, from thence straight to Putiki, and so on to Taheke and Pukeruru. The line then turns southward to Te Kohia and reaching Ngapara it runs seaward, from thence straight to Whatiwhati and goes on to Okihi continuing to Taukaponga from thence direct to Wahamoko and on to Painango, from thence to Kaitangiwehe, from thence to Kaitarakihi, from thence to Onatiki, and arriving on the sea shore turns towards the river by Turanga Rahui and Orapa direct to Opunake, from thence to Otupaea. It then turns up the course of the river to Wheaanga straight on to Mangaiti on by Wherohia to Taputuri, from thence to Taumata where it meets the commencing point.

The Governor then asked me, is that piece your own? I said yes it is mine. Is it really true that it belongs to you? I said yes it is really mine. Then the Governor consented and I gave a Parawai to him, and he took it in his hand and said Who are your friends? I replied, my friends Hemi Paranihi and Rawiri have gone to Mimi owing to the quarreling between Ihaia and William King. We alone are here, myself, Ritimana Tuikehu, Rawiri Raupongo, and Tamati Tarepa, these are all of us.

Afterwards arrangements were made by the Governor and Mr. McLean, and then the Governor returned to Auckland.

After that the investigation.

On the arrival of the Governor's letter directing that the money should be given to me, I came back to Waitara, I said to William King Let us go to Town that you also may see the money, the payment for the land. It will be forthcoming on Monday or Saturday.

William King said, It is right my Brother. He went to town. Mr. Parris gave the money to me, to Hemi, and to Paranihi. The Governor did not say to us that this money was to soften our hearts; but that the £100 was an instalment for all my piece of land. William King saw this money given to us. On his seeing the money at Mr. Parris' garden he went away.

After the money had been paid, they proceeded to survey the Land and arrived at Waitara, but were not allowed to do so by William King and his friends, so they returned to Town. After this the soldiers came to take care of us, that the Block might be properly surveyed. The money was given to me before the land was surveyed. If there should be 600 acres then £600 would be the price, £100 was given to me and £500 was left. But the 600 acres and the £600 was only an estimate. It depended on the survey of the Land. On the arrival of Mr. McLean and the Colonel we then understood that it was £700.

At the termination of the War Governor Browne went away; but he told Mr. Parris that Governor Grey would pay the balance due for that piece. But that if Governor Grey was in England [not coming here] he (Governor Browne) would pay the balance.

In this 600 or 700 acres, 200 acres were to be given back to us. Governor Browne did not say that these 200 acres were for William King, but for us. Governor Browne said that the 200 acres within my piece should be secured to us by Crown Grant. The notice in Governor Browne's declaration in the Book (of April, 1860) that we had given Waitara to him was correct. This is the account of my giving the land to Governor Browne.

About the First Flag of the King—Te Teira said, Do not put it upon my land. If you do I will knock it down. Afterwards I received the money and then a flagstaff was fetched. This was the second.

Te Teira then proposed making a Flagstaff for himself—that is to say for the Government.

No. 13B.

LETTER FROM TE TEIRA AND OTHER WAITARA NATIVES, ACCOMPANYING THE FOREGOING STATEMENT.

April 30th, 1863.

Friends, the Europeans and Maoris,—

Listen attentively to the words of this letter. Continue to look at the letters. They are ours, the men of Waitara who sold the piece of land to the Government. Let there be no duplicity in the talk nor let the question be diverted.

It is we who are speaking in this letter, who disposed of it (the land), listen therefore to this. I had but one thought in selling it to Governor Browne. That was a final sale. There was only one consenting on the part of Governor Browne which I heard, namely a consenting on his part that my piece should be transferred to him. I only once heard Governor Browne consent to take my piece. His consent I hold to. But there is one question with me. That the balance due for my piece should be paid to me. I have received £100. I am waiting for the remainder.

Secondly—That the acres for me should be marked off. You have all heard it was once offered and once accepted. But there were many conversations about the number of acres and the payment. But on account of the decision of the Governor that Waitara should be investigated I have waited till this

day and left it an open question. But for that, we should have continued to ask for the balance and to have the land divided. That is all. 'Tis finished.

Waitara.

TE TEIRA,
PARANIHI,
HEMI
RAWIRI RAUPONGO,
REWIRI,
TAMATI RARU

No. 14.

COPY OF A DESPATCH FROM HIS EXCELLENCY SIR GEORGE GREY TO HIS GRACE THE DUKE OF
NEWCASTLE.

Taranaki, May 25th, 1863.

MY LORD DUKE,—

In order that Her Majesty's Government may understand the successive steps by which we came into our present position with the natives of this Province, I beg to be permitted to state, in consecutive order, the several events in regard to the Native race which have taken place here, all of which are extracted from reports which have from time to time been made to Government by the several officers charged with the management of native affairs.

No. 55.

A chief named Katatore had for a long time stated his determination to retain a particular portion of land, and it had been, in consequence, excepted by the Government from their previous purchases. One of Katatore's people destroyed a field of wheat which had recently been sown by a chief named Rawiri on his own land, which he had cultivated for several years.

Rawiri, who was provoked by this, and was the weaker party and wanted aid, determined to sell the very piece of land to the Government which Katatore had always intended to retain, and which had been excepted by the Government from their previous purchases. The Government lent itself to Rawiri's design, and agreed to buy the land; the result was that Rawiri and other natives persisted, in obedience to the orders of the Government, in their attempts to cut the boundary line of this particular piece of land, and Rawiri and six of his men, none of whom had fire arms, were shot by Katatore and some of his people. The interference of the Government was then vehemently called for by Rawiri's friends, who were the weaker party, and who made loud demands for arms and ammunition, and also for troops to punish Katatore and those who had slain Rawiri.

Katatore's party were alarmed and anxious that the Government should not interfere in the matter. Various native feuds resulted from these proceedings, and at length peace was (apparently only) established between the parties. The Provincial Council thus describe what followed:—

"After the establishment of this hollow peace, Katatore, who for many years had maintained his influence by opposing the sale of land, suddenly changed his policy and became a most enthusiastic advocate on the other side. He at once took the foremost place in the consideration of the Government, while the men who had only remained consistent, were thrust aside for the new man, and the negotiations for the purchase of land, which ensued immediately on the establishment of peace, depended mainly on the influence of Katatore."

The slayers of Rawiri, the friend of the Government, who fell in obeying their orders, became thus our friends and allies, and Katatore having come in as the new man, sold the Government a block of about 40,000 acres of land, and being under their influence, was one day sent for by the Government to come in to New Plymouth, was forbidden to bring his arms with him, and being thus betrayed unarmed into the power of his enemies, was by them, with one of his people, murdered by an ambush on our land, on the highway close to a settler's house, in the manner detailed in my despatch No. 50 of the 14th instant. The two principal persons concerned in this assassination were Ihaia and his brother Tamati Tiraurau. The Government taking no steps to punish the murderers of Katatore, the natives rose in arms for this purpose. The principal leader of the natives against Ihaia and the other murderers was William King, chief at the Waitara.

It would I think have been supposed that Katatore having thus been murdered when he was, as it were, our unarmed guest, and was on our own land, that we should under no circumstances have become the allies of those who had murdered our new friend. But Te Teira, a relative of Ihaia's and Tamati Tiraurau's, having offered to sell us a piece of land at the Waitara, which was regarded as specially desirable, and on which William King and about 250 of his people had been for more than twelve years located, regarding the land as their own; Te Teira's claim to this land was nominally purchased by the Government; William King and his people were turned off by force of arms and we ended by being the allies of Katatore's murderers; and by, for three years, supporting them against their enemies by a detachment of troops, as was explained in my despatch, No. 50, of the 14th of May.

It is under such circumstances as these that the natives now evince a great want of confidence in our persistence in any settled line of action, and shew a distrust of us, which I fear it will require some time to remove.

I have, &c., &c.,

G. GREY.

His Grace the Duke of Newcastle, K.G.

No. 15.

COPY OF A DESPATCH FROM HIS EXCELLENCY SIR GEORGE GREY TO HIS GRACE THE
DUKE OF NEWCASTLE.

Taranaki, May 27th, 1863.

My Lord Duke,—

No. 56

I have the honor to transmit for Your Grace's information a copy of a proclamation declaring that the Government would not proceed further with the negotiation for a block of land at the Waitara, which had been commenced about three years ago.

2. Your Grace will observe that this proclamation was issued upon the 11th, although the terrible murders I have reported took place upon the 4th instant. But the Waitara lies to the North of New Plymouth, whilst the tribes who committed the murders live to the south of this place, and are of a different to the Waitara people. And, as the Waitara question was one to which all the Natives of New Zealand are looking, I did not think it became a powerful Government, like that of Great Britain, to appear to be deterred by a few murderers from calmly and steadily pursuing a course, which the officers acting here felt that justice and right imperatively pointed at, as that which should be adopted. The Proclamation was therefore issued. It was presented to me by my Responsible Advisers in its present form, with a recommendation that I should sign it in that shape, and I thought it right to comply with their wishes.

I have, &c., &c.,

G. GREY.

His Grace the Duke of Newcastle, K.G.

Enclosure 1 in Despatch No. (56) 15.

A PROCLAMATION DECLARING THE ABANDONMENT OF THE WAITARA PURCHASE.

By His Excellency Sir GEORGE GREY, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS an engagement for the purchase of a certain tract of land at the Waitara, commonly known as Teira's block, was entered into by the Government of New Zealand in the year One thousand eight hundred and fifty-nine, but the said purchase has never been completed :

And whereas circumstances connected with the said purchase unknown to the Government at the time of the sale of the said land have lately transpired which make it advisable that the said purchase should not be further proceeded with :

Now, therefore, the Governor, with the advice and consent of the Executive Council, doth hereby declare that the purchase of the said block of land is abandoned, and all claim to the same on the part of the Government is henceforth renounced.

Given under my hand, at New Plymouth, and issued under the Seal of the Colony of New Zealand this eleventh day of May. in the year of our Lord one thousand eight hundred and sixty-three.

G. GREY.

By His Excellency's command,
ALFRED DOMETT.

GOD SAVE THE QUEEN.

NOTE.—It should be understood that the Premier, Mr. Domett, and the Native Minister, Mr. Bell, were the only Ministers with His Excellency at Taranaki, and that the minutes written at that place were not seen by any other Member of the Government until after they had been sent to the Governor.

No. 16.

COPY OF DESPATCH FROM HIS EXCELLENCY SIR GEORGE GREY, TO HIS GRACE THE DUKE OF
NEWCASTLE.

Government House,
Auckland, 11th August, 1863.

No. 96.

MY LORD DUKE,—

I have the honor to call Your Grace's attention to my predecessor's Despatch, No. 10 of the 25th January, 1860, which contains as an enclosure a letter from Mr. Parris, the District Land Purchase Commissioner at New Plymouth, dated the 4th December, 1859, in which the following paragraph occurs :—

Vide Sessional Papers,
1860, E. No. 3, p. 10.

Ditto, p. 2.

"W. King avowed his determination to oppose the sale without advancing any reason for so doing, upon which I put a series of questions to him, which I called upon the Rev. Mr. Whitely to witness, viz :—

Q. "Does the land belong to Teira and party?"

A. "Yes; the land is theirs, but I will not let them sell it."

Q. "Why will you oppose their selling what is their own?"

A. "Because I do not wish that the land should be disturbed, and though they have floated it, I will not let it go to sea."

2. It is understood here, that a great deal of importance has been attached in England and elsewhere to this apparent admission on the part of W. King, that the land claimed by the Government at Waitara, as a purchase from the Chief Taylor, belonged to the Chief Taylor and his party alone, and that no other persons had any claim to it.

3. It has therefore been thought advisable that I should call Your Grace's attention to the fact that the Government published two distinct statements of what passed between Mr. Parris and W. King, at the interview alluded to in Mr. Parris's letter of the 4th December, 1859.

4. One of these statements is that which I have quoted above. It is a summary given in English of a conversation which passed in the Maori language. The other is a statement published in the *Native Gazette*, which is published by the Government, under the title of "Te Manuhiri Tuarangi." This paper is printed in two columns, one in the English language, the other in the Maori. In this newspaper the following statement is given in the Native language of the questions proposed by Mr. Parris to W. King, and of that Chief's replies :—

"Mr. Parris enquired, 'Does not that piece of land belong to Taylor?' He replied, 'It belongs to Taylor and all of us, but as he is setting it adrift to sea, I shall seize upon it and drag it ashore again.'"

"Ka patai atu a Pareti, 'Ehara koia i a Te Teira taua wahi.' Ka ki ake No Te Teira ano, no matou katoa hoki; otiia, nana i tuku ki te moana, naku i rere ki runga, maku e to ki uta.'"

Vide *Manuhiri Tuarangi*,
Vol. I, No. 11, 15 Aug.,
1861, p. 14.

The statement here made by W. King is stronger in the Native language, than it appears to be in the annexed English translation, the real meaning of the Native words used by him being, "It belongs to Taylor together with all of us."

I have, &c.,

G. GREY.

His Grace the Duke of Newcastle, K.G.

