

1875.

## NEW ZEALAND.

## TAIRUA NATIVE RESERVE.

(CORRESPONDENCE RELATING THERETO).

*Presented to both Houses of the General Assembly by Command of His Excellency.*

## No. 1.

His Honor the SUPERINTENDENT, Auckland, to the Hon. the COLONIAL SECRETARY.

SIR,—

Superintendent's Office, Auckland, 18th June, 1875.

I have the honor to enclose an abstract, prepared by the Waste Lands Commissioner, showing the manner in which an area of a thousand acres (as yet unselected) was reserved for Natives in the Tairua Block.

You will find from this abstract that this block appears to have been purchased from the Natives on the 7th December, 1872, without any such reservation for them having been made, and that it was handed over to this Province on the 24th June, 1874, free from such reservation of a thousand acres. I beg, therefore, that an explanation may be afforded as to the time when the reservation was made, and by whose authority, and whether the Natives have since attempted to sell or lease this land, or any part of it, to any other person, and if so, to whom.

I have, &c.,  
G. GREY.

The Hon. the Colonial Secretary, Wellington.

## Enclosure in No. 1.

Mr. TOLE, Waste Lands Commissioner, to His Honor the SUPERINTENDENT, Auckland.

(Memo, for His Honor the Superintendent.)

Waste Lands Office, 4th May, 1875.

THE following abstract of title shows the manner in which the area of one thousand acres (as yet unselected) claimed by Natives, in the Tairua Block, was reserved for them:—

Crown granted to Natives 10th June, 1874, but legal title vested in them from 29th November, 1872.

Conveyed by Natives to the Queen on the 7th December, 1872, without any reservation expressed in the body of the deed.

Proclaimed waste lands of the Crown, and made subject to Provincial administration on the 24th June, 1874. No reservation contained in the proclamation, which in this respect corresponds with deed.

Conveyance above alluded to, from Natives to the Queen, registered 15th July, 1874. Upon this instrument an endorsement, bearing no date, appears reserving one thousand acres (position undefined) for the grantees.

Proclaimed within the limits of the Hauraki Gold Mining District on the 8th April, 1875. In this proclamation the exception of one thousand acres is made.

D. A. TOLE,  
Waste Lands Commissioner.

NOTE.—The terms of the indorsement, which would appear to be in the hand-writing of Mr. Mackay, and different from that in the body of the deed, are as follows:—

“It is hereby agreed that the Governor of New Zealand shall cause to be issued to Miriama Pili Pukukauri, Peneamene Tanui, Hori Kerei Tuokioki, Matene Pehi, and Marara Hauata, a Crown Grant for one thousand (1000) acres of the land conveyed to the Queen by the within-written deed, such land to be selected within three months from the date hereof, and to be taken in either one or two blocks, at the option of the said Miriama Pehi Pukukauri. Expenses of survey to be borne by the Crown.

“JAMES MACKAY, junr.,

“Agent for Land Purchases, Immigration and Public Works Act.

“Witness to the signature of James Mackay, junr.,

“JNO. GUILDING, Licensed Interpreter, Shortland.”

## No. 2.

His Honor the SUPERINTENDENT, Auckland, to the Hon. the COLONIAL SECRETARY.

(Telegram.)

Auckland, 2nd July, 1875.

*Re* reserve of one thousand acres, Tairua Block. Please not to let Crown Grant for this issue till this Government is heard.

G. GREY.

## No. 3.

His Honor the SUPERINTENDENT, Auckland, to the Hon. the COLONIAL SECRETARY.  
(No. 2337-75.)

SIR,—

Superintendent's Office, Auckland, 17th July, 1875.

Herewith I have the honor to enclose a copy of the translation of a letter from the Native Peneamene Tanui, to show that Mr. O'Halloran and Mr. Guilding (or one of them) have agreed to lease from the Natives the reserve of one thousand acres in the Tairua Block, which the Provincial Government have reserved for a township.

The Hon. the Colonial Secretary, Wellington.

I have, &c.,  
G. GREY.

## Enclosure in No. 3.

PENEAMENE TANUI to His Honor the SUPERINTENDENT, Auckland.

FRIEND,—

Whitianga (Mercury Bay), 29th June, 1875.

Salutations to you who now represent the Chiefs of the Hauraki, who are gone from before our eyes.

Friend, I greet you. Friend, Wilkinson has come to me for our land at Tairua. You did right to send him, but two other pakehas have come to us for that place, who wish us to lease to them. We have not concluded our talk yet, but I know this, I shall certainly not consent that George Wilkinson may have it, for I have received a payment in advance from those pakehas, and they must not say that I am robbing them by letting another have the land.

Friend, I greet you, enough,  
To Sir George Grey,  
Superintendent of Auckland.

From your friend,  
PENEAMENE TANUI.

## No. 4.

The Hon. the COLONIAL SECRETARY to His Honor the SUPERINTENDENT, Auckland.

SIR,—

Colonial Secretary's Office, Wellington, New Zealand, 21st July, 1875.

I have the honor to acknowledge the receipt of your letter No. 2337, of 17th July, enclosing copy of the translation of a letter from the native Peneamene Tanui, "to show that Mr. O'Halloran and Mr. Guilding (or one of them) have agreed to lease from the Natives the reserve of one thousand acres in the Tairua Block, which the Provincial Government have reserved for a township."

I should feel obliged if your Honor would kindly indicate in what portion of Tanui's letter it is shown that an agreement has been made for a lease to Messrs. O'Halloran and Guilding, or to one of them.

His Honor the Superintendent, Auckland.

I have, &c.,  
DANIEL POLLEN.

## No. 5.

Mr. JAMES MACKAY to the Hon. the Hon. COLONIAL SECRETARY.

SIR,—

Auckland, 17th July, 1875.

I have the honor to inform you that Sir George Grey in his official capacity as Superintendent of this Province, has thought proper to make certain statements respecting the thousand acres of land reserved for the Natives in the Tairua Block, which reflects seriously on my character. In addition to this a writ has been issued against myself and others in the Supreme Court by Sir George Grey which was sued out by his Solicitor, Mr. W. L. Rees, and in accordance with an affidavit sworn by the person last named, which contains serious allegations, having no foundation in fact.

Having been informed that a writ had been issued against me, I proceeded to the office of the Registrar of the Supreme Court accompanied by Major Green, and was shown the writ, the affidavit, and declaration made in support of it by Mr. W. L. Rees. On my Solicitor's Clerk applying to make a copy of these to-day, he was informed that the writ and affidavit only could be copied, and that the declaration was merely lodged there pending an application to the Court for an injunction.

If the writ, affidavit, and declaration were not filed, then the Deputy-Registrar had no right to show the letter to me and say that "I could have a copy taken by my clerk without payment of any further fee than the shilling paid by Major Green for the search." As I have been thus deprived of a copy of the declaration in question it becomes necessary for me to endeavour to give its contents from memory. The declaration appeared to me to set out "That the Native grantees absolutely conveyed to the Crown their title to thirty-six thousand acres of land, known as the Tairua Block, without any reservation whatsoever. That the only record of any reservation was an endorsement on the back of the deed by myself that the Natives were entitled to a reserve of one thousand acres to be selected by them within three months, and to be taken in not more than two blocks. That the selection had not been made within the stipulated time by the Natives, and had lapsed. That the General Government had handed over the Tairua Block to the Provincial Government without mentioning the right of the Natives to select one thousand acres within it, and that I had not informed the Government that any arrangement had been made to make such reserve. That I had no right or authority to afterwards cause such reserves to be selected and surveyed. That since the proclamation of the Tairua, Pakirarahi, and other blocks as an extension of the Hauraki Gold Mining District I, without the authority of the General or Provincial Government, had fraudulently made the reserve in a place different from that which had originally been

arranged as a site for it. That the block surveyed was at the only place suitable for a township for the Tairua extension of the Hauraki Gold Mining District. That Gerald O'Halloran and John William Richard Guilding, two officers in the service of the General Government, and paid by them, had entered into arrangements with the Natives for a lease of the reserve in question on behalf of themselves and others. That I was likely to apply to the Crown and recommend the issue of a Crown Grant to the Natives interested. That it was necessary to prevent great and irreparable loss and damage to the plaintiff as Superintendent of the Province to issue an injunction against the execution of such Grant and to stop any lease from the Native owners to John William Richard Guilding and Gerald O'Halloran on behalf of themselves or others."

This I believe to be the substance of the declaration, and I shall now proceed to state the fact of the case.

In December, 1872 I commenced negotiations for the sale of the Tairua Block to the Crown. After many discussions of the question a deed was prepared which contained no reservations except those of the rights of Seccombe and Son to kauri timber (which had been acquired in 1864). No mention had been made of a reserve as none had then been asked for. The purchase money spoken of was three thousand pounds, but on the day the deed was presented for execution the grantees at the last moment demanded a reserve of two thousand acres or a payment of three thousand six hundred pounds, being one hundred pounds per thousand acres. I then agreed to pay two thousand nine hundred pounds and allow a reserve of one thousand acres which was to be selected within three months, and in not more than two blocks. The site of the larger portion of the reserve was fixed at Pukioire, at the head of the navigation of the Tairua river, and the position of the remainder was not determined, some of the Natives being in favor of taking it at Te Karaka burial ground, and others near the mouth of the river. I did not deem it advisable to alter the conveyance or cumber it with a covenant to produce title deeds. I therefore asked the Natives to convey the whole to the Crown on the understanding that a Grant should be issued to them for one thousand acres, and to satisfy them, endorsed the particulars of this arrangement on the back of the deed.

The Natives within the three months applied to me to survey the reserves, and I told them it would be attended to as soon as my other engagements would allow of it.

In my report of the 24th March, 1873, (*vide* G. 8, Appendix to Journal of the House of Representatives, 1873), I thus alluded to the Tairua purchase:—"Tairua, area 36,000 acres, price £2,900 It adjoins Whenuakiti (Government land) and gives access to the sea to the eastward. Gold has been found in these blocks. Not yet included in Gold Mining District. Reason of delay in proclamation is the non-completion of survey of the Wharekawa Block (purchase negotiated, *vide* Return No. 2). Wharekawa separates these Blocks from the Whangamata Block. Some land available for cultivation on these blocks. A reserve of one thousand acres to be selected in one or two blocks is to be made at Tairua and a Grant issued for the same to the owners as arranged by the Native Land Court."

In April, 1873, Timothy Sullivan was murdered by Purukutu at Waikato, and I was requested to proceed there as Agent for the General Government, which effectually precluded me from completing the arrangements for surveying the reserves as I was absent from the Thames district for upwards of twelve months. I had no communication with the Natives respecting the reserve until the 11th May last, when a letter was forwarded to me requesting me to have it surveyed.

I enclose the original with translation. I instructed Mr. John Guilding, a licensed Interpreter in my employ and who is not a Government officer, to proceed to Tairua with a Surveyor and lay off the reserve. This was done. Nine hundred and ninety acres were surveyed at Pukioire and ten acres at Te Kutakuta, near the mouth of the river. They applied to me on the 26th May to allow them to take twenty acres at Te Karaka burial ground, and reduce the Pukioire reserve to nine hundred and seventy acres, as by letter enclosed herewith with translation. The latter question has not been arranged.

With reference to the objection raised, that I had no right to lay off the reserve at Tairua without consulting the Provincial Government, I would beg to state that I received orders from the Hon. Mr. Ormond and the Hon. the Native Minister, to make reserves for Natives where necessary, and I have on no occasion gone beyond the letter or spirit of those instructions.

I afterwards saw a statement in the *Thames Advertiser*, published at the time of Sir George Grey's visit to the gold fields, to the effect that this reserve was unknown before the proclamation of the Tairua extension of the Hauraki gold mining district; that it was subsequently made at the only site suitable for a township for that district, and had been leased to private persons for that purpose. It was insinuated afterwards that I, or some person in my employ, had leased the land from the Natives.

These assertions and insinuations culminated in the writ of summons sued out on behalf of Sir George Grey by his solicitor, and the affidavit and declaration made on the 10th instant, copies of which will be forwarded if obtainable. As far as I am concerned, I distinctly deny that I ever asked the Natives to lease to me the Tairua Reserve, or any portion of it, or that I ever suggested, directly or indirectly, to any person whomsoever to do so, either on my behalf or on his own account.

I leave the other defendants mentioned in the writ to vindicate their own conduct, which I have no doubt will bear the light of thorough investigation. I would have replied more fully to the allegations contained in the declaration had a copy of it been procurable. If any of the allegations made in the declaration to the writ issued against myself and others in the Supreme Court, respecting the Tairua Reserve are incorrect, Sir George Grey cannot plead that he was refused any information on the subject of the Tairua land purchase or the leases of timber there, as he was, on the 22nd of June last, apprised by the Hon. the Colonial Secretary that I had been instructed to furnish him with any information he required on the subject. On 25th June, I forwarded a telegraphic message to him to that effect. I received a reply that nothing but a copy of a telegram was required. In supplying this I, on the 28th ultimo, again offered to give any information or explanation in my power required by His Honor. This he declined in his letter of the 29th June, saying he thought it desirable under the present circumstances to communicate direct with the General Government. If Sir George Grey had taken advantage of the offer made to him by the Hon. the Colonial Secretary he would have been furnished with full particulars about the Tairua land purchase and timber leases, and need not have been under the necessity of employing a secret agent to

make enquiries amongst the Natives at Mercury Bay respecting the Tairua Reserve; and probably would not have resorted to the extraordinary measure of issuing a writ in the Supreme Court against myself and others.

I consider the more constitutional course for His Honor the Superintendent to have pursued in the matter, if he had any reason to suspect me of wrong doing, would have been to have complained to the Hon. the Colonial Secretary, and requested him to cause an enquiry to be made into my conduct in the matter.

I must, however, respectfully submit that it does not appear right for one officer of the Colonial Government to proceed against another, in the Supreme Court, even on public grounds, unless with the consent of the General Government first obtained.

It is unnecessary to enter further into the question; but if any vindication of myself were necessary it is to be found in the fact that they who instituted have found it expedient to withdraw proceedings.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

JAMES MACKAY.

### Enclosure 1 in No. 5.

PENEAMENE TANUI to Mr. MACKAY.

[TRANSLATION.]

MR. JAMES MACKAY,—

Mercury Bay, 11th May, 1875.

Friend, greetings. This is our word to you, We, too, are desirous that our thousand acres at Tairua should be separated (laid off). It will be good for you to at once send a surveyor to exclude our piece from that of the Government, so that we may fix the site for the thousand acres. If you are willing, send over John Guilding to assist me in laying off the thousand acres. That will be well.

All from your friend,

PENEAMENE TANUI.

### Enclosure 2 in No. 5.

PENEAMENE TANUI to Mr. MACKAY.

[TRANSLATION.]

MR. JAMES MACKAY,—

Mercury Bay, 26th May, 1875.

Friend, greetings to you. Friend, we are very much vexed. We do not wish the burial place, known as Te Karaka, at Tairua, to be included within the Government land. We wish twenty acres to be taken there; let it be deducted from the 990 acres at Te Pukioire, leaving there 970 acres. Let there be twenty acres set apart for that burial ground, outside Te Pukioire. All,

By PENEAMENE TANUI.

*Price 3d.]*