

FURTHER PAPERS

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.

FURTHER PAPERS RELATIVE TO THE WAITARA.

No. 1.

COPY OF DESPATCH FROM HIS GRACE THE DUKE OF NEWCASTLE, K.G., TO GOVERNOR SIR GEORGE GREY, K.C.B.

Downing Street,
25th August, 1863.

NEW ZEALAND.
No. 88.

SIR,—

I have the honor to acknowledge your despatch No. 56, of the 27th May, enclosing a Proclamation by which you announced the abandonment of the purchase of the land at the Waitara, which was offered for sale to the Government in 1859, and conditionally accepted by your predecessor.

I thought it my duty to convey to you at once by the last mail my approval of the course which you had then resolved to take; and I now proceed to address you more fully upon the subject, with reference especially to your Despatch, No. 39, of the 24th April, and the communications between yourself and your Ministers which it enclosed.

The facts upon which you mainly ground the important decision at which you have arrived, and which, strange to say, have only now been discovered by your personal enquiries, and by Teira's admissions to the Native Minister (Mr. Dillon Bell) appear to be these:—1. That W. King's residence on the disputed land upon the South bank of the Waitara was not merely, as had been always represented by the sellers, by permission of Teira's father, but in virtue of an arrangement made by all that section of the Ngatiawa Tribe for the sake of defence against the Waikatos. 2. That a large number of Natives, between 200 and 300, were living upon the block at the time when it was offered for sale, whose dwellings and cultivations were destroyed when possession was taken by the Military. 3. That Teira, as he now asserts, never intended to sell the pahs, one of which was in his own occupation, and did intend to except from sale a reserve of 200 acres, although no such reserve was named in the deed of sale, as ought to have been done.

I proceed to explain to you the effect which these statements have produced upon my mind, both with respect to the transactions of 1859-60, and the measure which you have now adopted.

If it be true that a number of families were residing upon and cultivating portions of the land offered for sale (variously estimated at from 10 to 120 acres out of the 980 acres which formed the "Block,") I have no doubt but that Governor Gore Browne and his Ministers, upon discovering the fact, would have carefully reserved and respected such portions, in accordance with the invariable practice of the New Zealand Government, or even have refused to have any further dealings with parties who, like Teira and the other sellers, had been guilty of concealing from the Governor so important a circumstance. If again they had been aware that W. King had established his residence on the South bank of the Waitara in virtue of a general tribal arrangement for purposes of defence, this fact might have formed an important element in their decision, as to whether the purchase could properly and safely be proceeded with. On the whole, I agree with you that your predecessor, if he had been in possession of these facts, would not have committed himself to the purchase, and I am clearly of opinion that he would not have been justified in doing so. The information, indeed, which you now supply converts into a certainty the doubts which I expressed in my Despatch of November 27th, 1860, and upon other occasions as to the prudence of the policy pursued by Governor Browne and his Ministers, with an evident want of sufficient knowledge of the case, as well as of foresight of the consequences, though with fair and upright intentions, while it lessens the serious difficulty of abandoning a publicly declared determination in the face of armed opposition.

I have said so much as to the propriety and prudence of the Waitara purchase. But I must add, on the other hand, that my view of the justice of exerting military force against W. King and his allies remains unchanged. That Chief's conduct, from first to last, still seems to me to have been inconsistent with any degree of submission to the Queen's sovereignty over New Zealand. In February, 1859, before the Waitara question arose, he had given notice to the Governor that he would allow no land to be sold within a district extending forty miles North of the European boundary at Taranaki, an interdict of a rebellious character, to which the reasons now or formerly

alleged against the Waitara sale can, of course, have no application. In the same way, at the public meeting where Teira offered the land, and during the many months which elapsed before the survey, he gave no reasons for his opposition, he afforded no explanations of it, either such as were provided for him by others at the time, or such as might have been drawn from the statements which you have now conveyed to me. In short, he never assumed any attitude towards the Governor but one of defiance, and, to use the language of Chief Justice Arney in the Legislative Council, never made "any intelligible claim of right to the land, or any other declaration than a declaration of war."

No one can doubt that, had he entered into any peaceable and loyal explanations, they would have been attended to, or that, if the Government Survey had been allowed to proceed, the paha and cultivations would not have been interfered with, or anything done by Government Officers inconsistent with the notice given by Governor Browne some months before—"that if any man could prove his claim to any piece of land within the boundary described, such claim would be respected." I dissent, therefore, from the view of the matter conveyed by the language which, in your Despatch of the 24th April, you place in the mouth of the Natives, viz. :—"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." The truth being that W. King and his followers brought these consequences upon themselves by their own conduct, and that the latter, far from being evicted (as it were) for the purpose of taking possession of the purchased land, themselves, in the consciousness of hostility, abandoned their paha, which were only destroyed after hostile acts had been committed by W. King's party, and military operations had actually commenced. Again, with respect to the assertion which you attribute to the Natives, that they fought in the late war simply "for their hearths and homes," and not at all for the maintenance of "Tribal Right," or the "Mana" of the Maori King, or to prohibit the sale of land to the Crown, even by owners desirous to sell, I can only say that the great body of evidence before me, including that of the ardent and able defenders of W. King, to whom the allegations now made seem to have been unknown, makes it impossible for me to accept them as worthy of credit. I hold, therefore, that no injustice—and it is with the question of justice only that I am now dealing—was either intended or done to W. King and his followers by the employment of military force to carry into effect the survey of the Waitara land, for the purpose of ascertaining how much or how little of it was owned by Teira and the others who joined with him in the sale to the Crown. I also believe that in the then state of mind of a portion of the New Zealand Natives, especially those of Taranaki, collision between them and the Government was not to be avoided without great difficulty, rare forbearance, and even tolerance of conduct which, under ordinary circumstances, would be incompatible with the dignity of the Crown.

These convictions, however, do not prevent me from deeply regretting the evils of the late war, and especially so, if any of the Natives are under the impression that it arose out of an act of injustice committed against them by the Government. I heartily share your anxiety to remove, so far as lies in our power, any such belief for the future, and it was with that hope that I at once signified to you my approval of the course you have taken in relinquishing the completion of the Waitara purchase, without further investigation, even though that course goes beyond what I believe strict justice to require, and is exposed to the dangers pointed out by your Responsible Advisers. Those dangers are, of course, increased by the unfortunate chance by which the massacre of Lieutenant Tragett and his men took place, before the announcement of the decision which you had already formed. I am far, however from blaming you for the delay caused by the discussions between your Ministers and yourself upon so difficult a question,—although it would have been better if the re-occupation of the Tataraimaka Block and the abandonment of the Waitara had been effected at one and the same time,—and I entirely concur in your opinion that the subsequent outrage committed by the Natives to the South, unconnected, apparently, with W. King and the Ngatiawas, is not a sufficient reason for not doing what you had decided ought to be done at the Waitara.

In conclusion, I have only to express my earnest hope that the decisive success gained by General Cameron and the Troops, together with a firm attitude on your part, supported by your Ministers, will make it impossible for the Natives to mistake the nature of a policy dictated by the desire to root out a belief in wrong done, and a suspicion of wrong intended against them, which might form an obstacle in the way of their reconciliation with their European fellow-subjects, and with their Sovereign.

I have, &c.,

NEWCASTLE.

Governor Sir George Grey, K.C.B.

No. 2.

NEW ZEALAND.
No. 83.

COPY OF DESPATCH FROM HIS GRACE THE DUKE OF NEWCASTLE, K.G., TO GOVERNOR SIR GEORGE GREY, K.C.B.

Downing Street,

20th August, 1863.

SIR,—I have the honor to acknowledge the receipt of your Despatches No. 50 and 55 of the 14th and 25th of May last, informing me of some particulars which had only just come to your know-

ledge, in connection with certain murders which were perpetrated amongst themselves by Natives in the Taranaki District during the Administration of your predecessor, and calling attention to the embarrassing position in which your Government is now placed owing to the general mistrust which is felt by the Natives in consequence of the protection enjoyed by the murderers.

Although it is much to be regretted that these murders should have been committed without the punishment of the offenders, it would, I think, be now impossible to abandon the Natives, including Ihiaia, one of the murderers of Katatore, who fought on the side of the Government during the late war.

It is true that Katatore was caught by his enemies unarmed in consequence of a Government order prohibiting Natives from bringing arms into New Plymouth and upon Colonial land; but, on the other hand, Rawiri, whom he killed, was, under the order of the Government, engaged in marking out what he claimed as his own land for sale to the Governor where he was killed; and as Katatore was not meddled with after the deed, it appears to me that it would have been hardly possible to have punished the next consequence of the blood-feud, when Katatore in his turn fell into the hands of the avenger.

I have, &c.,

NEWCASTLE.

Governor Sir George Grey, K.C.B.

COPY OF DESPATCH FROM GOVERNOR SIR GEORGE GREY, K.C.B., TO HIS GRACE THE DUKE OF NEWCASTLE, K.G.

Government House,

Auckland, 26th October, 1863.

No. 139.

MY LORD DUKE,—

I had the honor of receiving, on the 22nd instant, your Grace's Despatch No. 88, of the 25th of August last. I thought it my duty to communicate it at once to my Responsible Advisers, and I have accidentally learned that it has by direction of the Colonial Secretary been published and copies of it distributed to some of the Members of the General Assembly. This has been done without my having been consulted on the subject, and I have not yet been informed that it was intended to publish it, nor has a printed copy of it been sent to me.

2. I do not mention this in the way of complaint, for I am sure the Colonial Secretary has done what he thought best for the public service, and that in not mentioning to me what he intended to do, and in not sending to me any copy of the printed paper, he merely forgot to take such steps from the pressure of other important matters upon his mind; but, as the Despatch has been published, and I fear that some of the remarks in it might complicate the ultimate settlement of affairs with the Natives of this country, and that one remark in it, I have no doubt unintentionally made, reflects unjustly upon myself, I have enclosed a Memorandum upon a few points in it, which, if your Grace thinks fit to read, will I am sure satisfy you.

That William King gave a reason for his opposition to Te Teira selling a piece of land at the public meeting at which that chief offered it for sale, and on several occasions subsequently.

That the Natives used the language which I appear to your Grace to put into their mouths, in my Despatch of the 24th of April, on many previous occasions, and that this language of theirs had been transmitted to your Grace, sometimes almost in terms of humble supplication.

That the Natives had been informed, not that they were interfering to prevent a survey to ascertain the ownership of land, but to prevent the survey of the Queen's own land, which had been acquired for Her Majesty by purchase from Teira, whose title to it had been investigated and found to be good, and was not disputed by any one.

That W. King's letter to the Governor, of February, 1859, cannot be characterised as an interdict of a rebellious character, but was apparently intended to be a respectful letter.

3. I regret that several misunderstandings connected with the whole of this subject have arisen from the difficulty of the Natives making themselves thoroughly understood by foreign authorities, from the figurative nature of their language, from the few persons who understand it well, and from the consequent misinterpretations, omissions, or misprints, which from time to time take place in even the most important documents. I am well aware how great a disadvantage and difficulty your Grace must labour under from this cause alone.

4. Whilst looking at papers to guide me in writing the enclosed Memorandum, in addition to the two important misinterpretations, or omissions, which I have pointed out, I find a translation, printed for the purpose of giving information to your Grace and the General Assembly, and which was laid before that body, in which the Natives say—I presume from a misprint—that their desire was “to retain possession of the *law* handed down to them from their ancestors and father;” as though they wished to abjure the Queen's laws—whilst, upon reference to the original, I find that what they said was, that “their desire was to retain possession of the *land* handed down to them by their ancestors and ather.”

I have, &c.,

G. GREY.

His Grace the Duke of Newcastle.

Enclosure to Despatch No. 139.

MEMORANDUM.

In the Secretary of State's Despatch, No. 88, of the 25th August, 1863, the following remarks are made in reference to the conduct of a chief named William King.

"In the same way at a public meeting where Teira offered the land, and during the many months which elapsed before the survey, he (William King) gave no reasons for his opposition, he afforded no explanations of it, either such as was provided for him by others at the time, or such as might be drawn from the statements which you have now conveyed to me."

In reference to this point it will be found by an enclosure to Governor Browne's Despatch, No. 10, of 25th January, 1860, that in the official account of the meeting of the 8th March, 1859, it is reported that William King gave a reason for his opposition to the sale of the piece of land, insisting on his own possession of it. In his letter to the Governor of the 25th April, 1859, this chief again gave the Governor the same reason against the sale of the land, saying:—"I will not agree to our resting place being sold, for that resting place belongs to the whole of us." Again, on the 29th November, 1859, this same chief informed Mr. Parris that the reason he would not consent to the sale of the land was, "That the land belonged to Taylor together with all of us."

Although attention was first specifically called to this point in Sir George Grey's Despatch, No. 96, of 11th August, 1863, it will be found that the Natives, early in 1860, with almost earnest passion, asserted that William King's answer was such as it now really proves to have been, and that it had been misinterpreted. Their allegations on this point were, at that time, either not attended to, or not believed. But their statement is that William King answered as follows:—

"Yes, his (Teira's) title is good to his own pieces within the boundaries of that land two or three pieces. Our title is equally good to our own pieces; some have one, or two, or three, or four within that block." William King stated this, but what he said has been misinterpreted by the Land Commissioner of Taranaki, who asserts that William King said the whole of the land was Teira's. It was his determination to take the land by force, and his ignorance of the Maori language, which made him pervert what William King said.

The question of a sale of this piece of land involved the interest and conduct of many other persons besides William King, and it will be found in various letters transmitted by Governor Browne that the Natives invariably alleged the same reasons for opposing the sale of this piece of land which Teira offered to dispose of, although some of those were only received during the progress of the war; as for instance,—“It was a land of complicated claims, the property of the whole tribe, the site of village; and cultivations, and besides that, William King and his tribe were in occupation of it.”

Upon reference to the enclosures to Governor Browne's Despatches, it will be found that the Natives urged, in letters transmitted to the Secretary of State, sometimes in terms of humble supplication, language often identical with that which is stated in the Secretary of State's Despatch No. 88, of the 25th August, 1863, to have been put into their mouths, in Sir G. Grey's Despatch of the 24th April of the same year.

The following extracts from such Native letters will show this:—

"Was it by their permission that our lands, inherited from our ancestors, became our property, which lands have all been taken from us, at the point of the sword?"

"Was it they who gave our ancestors all their cultivated lands," which I have already mentioned, "when they went from Waikanae, which cultivations the soldiers have taken with the edge of the sword."

"We have portions of the land at Waitara, within the boundaries of the land which Teira wrongfully sold to the Governor. This land belongs to us, and to those who were driven off that land, and belonged to the ancestors of us all."

"How can they justify the denial of our claims, or of those who have been forcibly driven from it?"

"In our opinion, Teira's act was a great crime, and nothing can be said in his behalf which can hide his unjust act."

"Is thieving, indeed then, a legitimate occupation? It has been said to be a wicked one. It must be that only a theft by a Maori is wrong; but when an European commits one, it is a laudable action."

"If that land shall be permanently wrested from them, then this saying will be handed down through all future generations—'that land was forcibly and unlawfully taken away by a Governor appointed by the Queen of England.'"

"They say the land all belongs to Teira. No; that land belongs to us all—to orphans and to widows."

"Should we look to the Queen—or to whom? We had always thought that the law afforded protection from wrong! We are, at the present time, wholly at a loss as to what course to adopt."

"Now, we are altogether perplexed; and exclaim—'Alas! alas! this is a new proceeding on the part of our Queen.' The good which used to be associated with the mention of your name, and which caused the Maoris of this island to regard you only as our mother, has been lost. Your name was then sweet to the hearts of your Maori people."

"Your Majesty's name also became strange to this people. Now, for the first time, we have

been hunted with evil. Oh, mother ! do not listen to fabrications, which are probably being written to you, to the effect that the Maoris are fighting against your sovereignty ; it is a fabrication. Understand that this is really a quarrel about land."

"They were loving subjects of yours. Their object was not to trample upon the law ; but rather to retain possession of the land which was handed down to them by their ancestors and father. They did not wish to sell that land. This unwarrantable proceeding has occasioned grief and confusion to all of us, because we know that this system is not yours—thus taking away, without cause, of the land of other people, and of the orphan and widow."

"The Queen's sovereignty has been acknowledged long ago. Had it been a fight for supremacy, every man in this island would have been up in arms. But in the present case the fighting is confined to the land which is being taken possession of."

They also universally contended, not only that they had committed no crime against the Queen but that some of them had previously rendered Her Majesty valuable services, which they had done.

In regard to the statement made in the Secretary of State's Despatch, "that, far from William King's followers being evicted, as it were, for the purpose of taking possession of the purchased land, they themselves in the consciousness of hostility abandoned their pas." It should be borne in mind that the troops did not take possession of the land until the 5th of March, and on the 22nd February the Government had issued a notice to the Natives warning them that from that date the law of fighting was about to commence in the district of Taranaki : the Europeans were on the same day informed that active military operations were about to be undertaken against the Natives.

This notice, followed by the march of armed troops, ordered to maintain occupation on behalf of the Crown of a block of land purchased by the Crown from Te Teira, would probably not make the Natives think that in abandoning their villages they did so in the consciousness of hostility. Their own statement is that they were forcibly driven from it.

In the Secretary of State's Despatch, No. 88, of the 25th of August, the following paragraph occurs :—

"I hold therefore that no injustice—and it is with justice only that I am dealing—was either intended or done to William King and his followers by the employment of military force to carry into effect the survey of the Waitara land, for the purpose of ascertaining how much or how little of it was owned by Teira and the others who joined with him in the sale to the Crown."

It is presumed that no one will for a moment contend that the Governor intended to do an injustice to the Natives, but this much should be said in their defence.

A reference to Governor Browne's Despatch, No. 27, of the 22nd March, will clearly show that the military force was sent to the Waitara, not for the purpose of carrying into effect the survey of the Waitara land, for the object of ascertaining how much and how little of it was owned by Teira and others who joined with him in the sale of it. The enclosure to that Despatch distinctly explains as follows :—

"Previously to the march of the troops, a manifesto had been published in the Maori language, and widely circulated by special agents amongst all the tribes in the Northern Island."

That manifesto declared as follows :—

"The Governor accepted Te Teira's offer conditionally, on its being shown that he had an undisputed title."

Te Teira's title has been "carefully investigated and found to be good. It is not disputed by anyone. The Governor therefore cannot allow William King 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."

"William King has interfered to prevent the survey of the Queen's land by her own surveyors. This interference will not be permitted."

What the natives are here told appears to be that William King has interfered to prevent the survey of the Queen's land, which had been acquired by purchase from Te Teira, whose title to it had been investigated and found to be good, and was not disputed by any one, not that he interfered to prevent a survey to ascertain the ownership of the land in dispute.

Again, the Secretary of State's despatch, No. 88, of the 25th August, 1863, states :—

"In February, 1859, before the Waitara question arose, he, William King, had given notice to the Governor that he would allow no land to be sold within a district extending forty miles North of the European boundary at Taranaki, an interdict of a rebellious character to which the reasons now, or formerly alleged against the Waitara sale, can of course have no application."

By the treaty of Waitangi, the chiefs and tribes of New Zealand, and the respective families and individuals thereof, were guaranteed the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties, which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession.

At the date of William King's letter, which is regarded as an interdict of a rebellious character the natives of Taranaki and its neighbourhood were, and had been for some years, engaged in a series of blood feuds, in which the Government had frequently been earnestly solicited by the natives to interfere, to prevent the loss of life which was going on, but the Government declined to do so. And these feuds had all originated in disputes regarding portions of land which the Government wished to purchase from various native claimants. It was under these circumstances that an assemblage of land-

owners had met, and, being a runanga chosen for that year, agreed that they would still decline selling portions of their land within certain limits. Many of these people had previously sold very large tracts of land to the Government, to meet the wishes of the Europeans. Their letter to the Government was written and signed by the Chief William King. It is submitted that the letter itself is a respectful letter; and this unfortunate circumstance has taken place, that in the printed translation of the letter those respectful words at its conclusion are omitted, "My love, is this letter to you." A correct translation of the letter is herewith enclosed, as there is at least one other important omission in the printed translation, which is that which, it is believed, has been always laid before the Government.

The object the natives had in making such an arrangement amongst themselves as is disclosed in this letter of William King's, is explained in their own language, in another native letter:—

"It was settled so in consequence of your bad system of purchasing land. For we had lost numbers of our people through this same land purchasing." Whenever the Government shall have laid down some equitable system of land purchase, and when calm is once more restored, then the tribes who are for selling will sell their lands under a properly regulated system.

G. GREY.

Auckland, New Zealand, 26th October, 1863.
