

I have received three sets of instructions to purchase lands, of which the last two refer for details to the first, which contains nothing more definite on the point now under comment than directions to induce the Natives to accede to my views, or to get or win their consent. But Lieut.-Governor Eyre, who directed those (the first) instructions to be written, impressed upon me the propriety of placing before the Natives the prospect of the great future advantages which the cession of their lands would bring them in schools, hospitals, and the paternal care of Her Majesty's Government; and, as I have before said, I found these promises of great use in my endeavours to break down their strong and most justifiable opposition to my first commission, and in facilitating the acquisition of my later purchases, adding to the Crown lands an area nearly as large as England. I am not unaware of the comparative facility with which the majority of the Natives might be induced to abandon all hope of these prospective advantages, especially as the long time which has elapsed without their realisation has probably nearly obliterated the remembrance of that hope; but I much doubt whether any officer of the Land Purchase Department would willingly undertake a duty of this kind. The Ngaitahu right in this matter, though perhaps not according to our law a legal one, cannot, I conceive, be denied to exist.

2. In reply to your second question, I have the honour to state that I brought the subject under the notice of Colonel Wynyard, at Auckland, on the 19th May, 1855, at an interview which His Excellency accorded, to enable me to avoid a correspondence, and at which, by his direction, the Native Secretary was present. On this occasion I brought under Colonel Wynyard's notice many facts with which I have not troubled you. His Excellency gave to my remarks the most polite attention, but none but the most unsatisfactory replies. I therefore, in the belief that I should there find both inclination and power to aid my Maori friends, resolved to bring the main question before the Secretary of State for the Colonies.

I shall do myself the honour of addressing to you a separate communication, relative to the last paragraph of your letter of the 21st instant. It only remains for me to advert to that portion of it in which you speak of a reference to the local authorities, and as those authorities will, before your reference can be made, consist of persons totally different from those whose proceedings in this matter it has been my duty to note, to suggest a reference to the highest local authority, to which I sincerely trust you will see no objection.

As this claim is, so far as I am capable of judging, of so purely equitable a nature that it could never be brought into a Court of law, it has occurred to me that possibly, if requested by you to do so, his Honour Mr. Justice Martin might undertake the adjustment of the matter. Her Majesty's Government would, by the adoption of this course, obtain the best possible opinion, and I should feel that I had conscientiously discharged my duty to the Ngaitahu in leaving their case to the decision of a gentleman so universally and deservedly respected.

Under-Secretary Merivale.

I have, &c.,
WALTER MANTELL.

No. 12.—H. MERIVALE, Esq., to W. MANTELL, Esq.

SIR,—

Downing Street, 11th August, 1856.

I am directed by Mr. Secretary Labouchere to acknowledge your three letters, just received, of the 31st ultimo, and first of this month, on the subject of the transaction with the Ngaitahu Natives, and of your own position with reference to them, and to answer them together, as the subjects are necessarily connected.

2. It is quite impossible for Mr. Labouchere to discuss the questions raised as to these Natives, or even to form any distinct view of the position of Her Majesty's Government in relation to them, unless prior reference be had to the local Government. You appear to misconceive the functions of this department in endeavouring to obtain its judgment without that reference, or by the aid of other information. Mr. Labouchere must altogether decline calling in the assistance of Mr. Justice Martin, whose official duties (distinguished as his character may be, and highly useful as he has rendered himself through the interest which he has taken in the affairs of the Maori race) have nothing whatever to do with the questions which you have yourself thought proper to raise between your own department and the local Government. It would be not merely irregular in form, but highly prejudicial to the public service in substance, were acts of the local Government, Central or Provincial, questioned, much more overruled, by the Secretary of State, unless on prior and full communication with that Government.

3. The whole of this correspondence will therefore be transmitted to the Governor of New Zealand for such explanation or such other steps as he may think proper.

4. With respect to your own conduct in these transactions, it is with regret that Mr. Labouchere sees that you avow yourself at last compelled "to inform him that you acted without instructions in the matter of your purchase from the Ngaitahu." Surely so important a feature in the case as this excess of authority by yourself ought to have been at once admitted and fully brought before him when you endeavoured to procure his interference in the case. As it is, he has every reason to suppose that you acted in this matter only under a strong sense of what was required by the occasion, but it is the local Government who must in the first instance judge of the propriety of your conduct.

5. With respect to your own position, it must necessarily depend on the result of the communications now made to the Governor. Mr. Labouchere is not able exactly to understand on what grounds you have applied to him for the Royal confirmation in an office which was bestowed on you by the local Government, and which has not, so far as he is aware, been reported by that Government as requiring such confirmation. But it would obviously be improper for him now to advise such confirmation in the position in which you have placed yourself towards those who appointed you. If you return to New Zealand at the expiration of your present leave, and as holding your present office, you will have, of course, to meet any inquiry or other proceedings which may be