

“2nd: Should William King or any other Native endeavour to prevent the survey or in any way interfere with the prosecution of the work, in that case that the surveying party be protected during the whole performance of their work by an adequate military force under the command of the Senior Military Officer; with which view power to call out the Taranaki Militia and Volunteers, and to proclaim martial law, be transmitted to the Commanding Officer at New Plymouth.

“3rd: That, when the survey shall have been completed, the Officer Commanding at New Plymouth shall, until further instructed, keep possession, by force if necessary, of the said land, so as to prevent the occupation or any act of trespass upon it by any Natives.”

5. The Governor acted on this advice, and a Proclamation of martial law within the Province of Taranaki was thereupon signed by the Governor and countersigned by the Colonial Secretary. The attempt to carry out the survey was made on the 20th February, and subsequently a communication was made to Wiremu Kingi giving him twenty-four hours to apologize for the obstruction offered by his people and to notify his relinquishment of his opposition to the survey. His reply was that he did not desire war; that he loved the white people very much, but that he would keep the land, and that they (that is, he and the Government) might be very good friends if the survey were relinquished. On the 22nd February, 1860, the Proclamation of martial law was published in the English and Maori languages. This Proclamation recited that active military operations were about to be undertaken by the Queen's Forces against Natives in the Province of Taranaki in arms against Her Majesty's sovereign authority. The Governor proceeded to New Plymouth, where he arrived on the 1st March. He immediately dispatched to Wiremu Kingi a message requesting that, to prevent misunderstanding, he would come into town and learn the Governor's intentions, and offering a safe-conduct. Wiremu Kingi declined the invitation. On the 5th March the troops were moved down to Waitara and occupied a position on the disputed block. On the night of the 15th March a pa was built by some of Wiremu Kingi's people at Te Kohia, within the bounds of the block. The next day they pulled up the survey stakes and burnt them. On the 17th March the troops attacked the pa, and the Natives evacuated it before daylight on the morning of the 18th. The war, which commenced in this way, was continued until March, 1861, when it was terminated by an agreement between Hapurona (the Maori leader) and the Government. The terms included the investigation of the title to the Waitara Block and the completion of the survey.

6. During the course of the discussion before us reference was made to Sir William Martin's pamphlet, “The Taranaki Question,” and to Mr. C. W. Richmond's memorandum in reply to it. In this memorandum the right of the Crown to the land was based on (1) the cession in 1841 of the whole Taranaki District by the Waikato chiefs, and (2) the purchase from Teira. The first ground appears not to have deserved serious consideration, for in the discussion which took place in 1863 between Sir George Grey, who had returned to New Zealand as Governor in September, 1861, and his Ministers as to the proposal to abandon the Waitara purchase the cession was not relied on or even referred to, and the Crown's claim to the block was based entirely on the agreement made with Teira. Sir George Grey, in his despatch to the Duke of Newcastle of the 24th April, 1863, declared that his settled conviction was that the Natives were, in the main, right in their allegations regarding the Waitara purchase, and that it ought not to be gone on with. In the memorandum addressed by Sir George Grey to his Ministers on the 22nd April, 1863, he stated his reasons for abandoning the Waitara purchase. The view taken by the Natives of the subject is set forth at length in this memorandum, and we quote the following passages: “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 seignorial 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. . . . and that the almost