

With regard to the pas and burial-places, the area of which was not known, it was pointed out that the extent of the Native reserves was fixed by the Company in the belief that the whole of the remainder was to be the Company's property. On these grounds the directors asked that instructions be given to Governor Grey for remedying the injury by the execution of new grants free from the objectionable clauses complained of.⁽¹⁾ In compliance with the Company's request the Colonial Office referred the correspondence to Governor Grey,⁽²⁾ who had already, on the advice of his Crown Law Officers in New Zealand, taken steps to annul the grants.⁽³⁾

The adjustment of difficulties arising from the loose exceptions of pas, burial-places, and cultivations in Governor FitzRoy's grants was entrusted to Lieut.-Colonel McCleverty, of the 48th Regiment, an officer appointed by Lord Stanley to proceed to New Zealand to assist the Company in the selection of land, to aid in surveying the exterior boundaries of such selections, and to judge the reasonableness of any purchases which the Company might make from the Natives.⁽⁴⁾

In the course of a long memorandum, which may be regarded as instructions to Lieut.-Colonel McCleverty, the difficult question of cultivated lands reserved in the FitzRoy grants was discussed by Governor Grey, who pointed out that sales to absentee proprietors had tended to increase the evils. The Natives had continued to cultivate lands which were sold by the Company but not taken up, instead of confining their plantations to the original reserves. The result was that the persons charged with the administration of the reserves, thinking they were not required by the Natives, had let the lands on long leases to Europeans. When from the spread of European population over the country the settlers began to require the lands which they had purchased, the Natives, finding their reserves now occupied, refused to give up possession of their present cultivations, and this had led to constant and violent disputes between the two races and had prevented the progress of the settlement. The description of the cultivations was altogether too vague. They had never been defined, and it was impossible after a time to tell what lands should be excluded from the grant.

Governor Grey's comment on the system of Native reserves is of interest. He said,—

"I think it proper to observe, generally, that the system of Native reserves, as laid down by the New Zealand Company, although an admirable means of providing for the future wants of the aborigines, is in some respects insufficient for their present wants, and ill adapted to their existing notions. It will be found necessary in all instances to secure to the Natives, in addition to any reserves made for them by the New Zealand Company, their cultivations, as well as convenient blocks of land for the purpose of future cultivation in such localities as they may now select themselves."⁽⁵⁾

Lieut.-Colonel McCleverty soon found that there were many difficulties attendant on the settlement of the question of cultivations occupied by Natives on European sections. He ascertained that 633 Natives had under cultivation 639 acres, 528 of which quantity were on sections sold by the Company to Europeans. He calculated that at least 1,200 acres would be required to compensate the Natives for the land they should relinquish, and if the arrangement was to be a permanent one a larger extent would have to be provided, as they did not understand the rotation of crops, but made fresh cultivations every few years. The chief difficulty in the way of carrying out this proposition was that the Government did not then own any land at Port Nicholson applicable to the purpose, and consequently it was almost impossible to put the Natives in possession of the land requisite to effect an equitable exchange, without purchasing it from the Europeans. Lieut.-Colonel McCleverty proposed, as a means of adjusting the matter, that a portion of the Town Belt—the whole of which was said to contain 800 acres—should be given in part compensation, and that other lands should be purchased in eligible situations to make up the remainder of the quantity required. He reported on the difficulty in dealing with lands owned by absentees, and he drew attention to the area of sections allotted to purchasers by the Company, which, instead of containing 100 acres each, generally ranged from 110 to 120 and sometimes to as many as 130 acres each.⁽⁶⁾

The final report of Lieut.-Colonel McCleverty was made in November, 1847, but in the absence of the four forms mentioned therein it is somewhat difficult to clearly understand the far-reaching effect of his awards. By almost a stroke of the pen, forty-four town sections and 2,868 acres of country land in Wellington were taken out of the Company's "tenths" and awarded to individual hapus. His report is quoted in full:—

"I have the honour to transmit to your Excellency four forms, completed. The two first—A and B—are in compliance with your wishes, expressed to the following effect in your letter dated the 21st October, 1847: 'But the object he (the Principal Agent of the New Zealand Company) has in view would, I apprehend, be better attained by stating what are the portions of the area comprised within the whole block *claimed by the Company* which cannot be granted, but must remain excepted or reserved either for the Natives, or for public services, or because some dispute is involved as to the right European ownership of them. . . . It will be necessary that an accurate list of all lands which, for any of the reasons I have stated, cannot be included in the grant should be drawn up and recorded.' The last two forms—C and D—serve to elucidate the cause of lands in unsurveyed districts, and on the Town Belt, being extended in quantity to the Natives beyond what they originally possessed.

⁽¹⁾ Secretary of New Zealand Company to the Right Hon. W. E. Gladstone, 23/2/46: Great Britain—Papers relating to New Zealand, 1846.

⁽²⁾ Mr. Gladstone to Governor Grey, 21/3/46: *Ibid.*

⁽³⁾ Governor Grey to Mr. Gladstone, 14/9/46: Great Britain—Parliamentary Papers relating to New Zealand, 1847.

⁽⁴⁾ Lord Stanley to Governor Grey, 18/12/45: Great Britain—Papers relating to New Zealand, 1846.

⁽⁵⁾ Memo. by Governor Grey, 14/9/46: Great Britain—Papers relating to New Zealand, 1847.

⁽⁶⁾ Report of Lieut.-Colonel McCleverty enclosed in despatch, Governor Grey to Earl Grey, 21/4/47: Great Britain—Papers relating to New Zealand, 1847.