

Letter: William Jenkins to the Superintendent of the Southern Division

Archives NZ Wellington Reference SSD 1/2 1849/175

Revd. W. Jenkins, Motueka 4 Sep 1849

Dear Sir, To my great surprise I have this day received a summons given under your Honours hand to appear at court to answer a complaint made by Hoani Parana, an aboriginal Native respecting three Ducks said to have been unlawfully taken by me from that individual. With your Honors permission I will state the particulars of the affair.

I had ten ducks running near the residence of the said Horani Parana's relatives and as I wished them brought home I several times requested the Natives to catch them for me. As however they neglected to do so, I at length went and with the assistance of an European and in the presence of a Native woman whose husband had charge of Parana's ducks I caught what I believed to be my own property - and took them away without any objection from the woman and then set them at liberty on my own premises.

A few days afterwards Hoani Parana came to me and wished to see my ducks, observing at the same time that he had missed some of his to the number of five. He then saw my ducks but could not recognise any of them as his property with the exception of one drake which he said resembled his. I told him that I believed he was mistaken - but that I would not contest the point with him as the thing was of so very trifling a nature but that if he could distinctly recognise his property he had better take it away. The conversation then turned to another subject and he shortly went away.

Sometime afterwards Hoani Parana came again, with his wife and several other Maoris to see the said ducks. They saw them as before and I then said "I am surprised at your coming here so frequently and making so much a do about your ducks, are any of your ducks here? The reply was "we think one of those white? ones belongs to us". I said "If you can claim them take them away at once. I value the whole of them so little that you are welcome not only to them which you say are yours, but to more, or all of them but don't come here making so much fuss about it. On my perceiving that they were angry I left them, after again saying "catch the ducks and take them away". On my return after the lapse of half an hour I found that the natives were gone and had not taken the ducks.

Hoani Parana again came and talked about the ducks as before but refused to take them away though repeatedly requested to do so - but went and assembled a number of Natives and began telling them that I had stolen his ducks. Hearing the conversation I called aloud to them all I said "What is Hoani acting in this absurd manner for - why does he not take the ducks if he thinks they are his?" Supposing he would return for them I waited some time when a native came in whom I enquired if Hoani had caught the ducks - he said that Hoani had been telling them that he should not catch them but should send another person from Nelson to do so. I again sent a message to Hoani requesting him to take away the ducks. He would not do so but went away and a summons is result.

Your Honor will pardon me if I say that I exceedingly regret that such a thing has taken place without the least necessity for it. Such an event will injure me greatly in the eyes of many of the Natives and will never be forgotten by them - nay it will be spread far and wide and I have reason to fear that my influence will to a certain be weakened. With my knowledge of the native character I have no doubt that it will generally be supposed that I had stolen the said ducks. I had refused to return them until I was compelled to do so - by a summons.

Had I to deal with an European in this case an action for deformation would ensue. And I would now respectfully request that your Honor cause Hoani Parana fully to understand that I shall act in no other way than I should have done without a summons. He is still at liberty, as he was before, to take as many ducks as he pleases but I certainly will not take the trouble to catch them and carry them home for him. Nor is it convenient for me to attend at Court at the time mentioned.

I can see plainly what Hoani wishes viz for me to give him a certain number of ducks which act he could at once say was an acknowledgement of my having taken them, knowing them to be his property and that as a proof that this was the case the Magistrates admitted the fact and issued a summons accordingly.

Apologizing for intruding so far upon your Honors time, I have the Honour to remain Sir, Your Honors Obediant Servant, W. Jenkins