

## Chatham Islands – NZ Company Indenture May 1840

Archives NZ Reference AAYZ 8984 NZC 38/11/3

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This document is referenced in the 2001 Waitangi Tribunal Report Wai 64 titled “Rekohu: A Report on Moriori and Ngati Mutunga Claims in the Chatham Islands” as NZC 38/3. It was also cited in “Chathams annexation” by D. Loveridge 24 March 1995.

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This indenture made May 1840 between the Sovereign and Petty Chiefs of the islands of Wari Kauri commonly known as the Chatham Islands lying in the South Pacific Ocean on behalf of themselves and all the freemen and owners of land in the said islands or any of them of the one part and Richard Davies Hanson formerly of London in England and late of the district of Port Nicholson in New Zealand Esquire, agent for the New Zealand Land Company of the other part.

Witnesseth that for and in consideration of the undermentioned articles given by the said Richard Davies Hanson as such Agent to the said Chiefs and freemen the receipt whereof they hereby acknowledge and also in consideration of the Covenant on the part of the said Richard Davies Hanson herein after contained no less than an account of the great advantages which may accrue to the Natives of the aforesaid Islands by the formation of an orderly and peaceable settlement of English people thereon they the said and petty chiefs and with the consent of all the freemen and owners of land aforesaid given to them in full assembly.

Do for and on behalf of themselves and the said freemen and the said freemen and owners of land grant bargain and sell to the said Richard Davies Hanson as such Agent for the New Zealand Land Company but for the sole use and behoof of the said Company All the said Islands commonly called or known by the name of the Chatham Islands and including Chatham Island, Pitt’s Island, the South East Island and Cornwallis Island situate in the South Pacific Ocean between the forty third and forty fifth degrees of south latitude and the one hundred and seventy fifth and one hundred and seventy eight degrees of West Longitude with all benefit and advantage of the same.

To hold the aforesaid Islands and any of them and any part thereof to the said New Zealand Land Company and their successors and assigns for ever in as full simple and beneficial a manner as the said Sovereign and petty chiefs freemen and owners of land in the same Islands

And the said Sovereign and Petty Chiefs on behalf of themselves and the freemen and owners of land in the do hereby covenant that they will defend and maintain the possession of the said New Zealand Land Company their successors and assigns to all the land hereby bargained and sold by all lawful and proper means and the said New Zealand Land Company their successors and assigns duly performing and fulfilling the Covenant hereinafter made on their behalf shall have peaceable and quiet possession of the land hereby conveyed without interruption or disturbance by or from the said Sovereign and petty chiefs freemen and owners of land or any of them or any person claiming under or in trust for them or any of them

And the said Richard Davies Hanson for and on behalf of the said New Zealand Land Company their successors and assigns do hereby covenant promise and agree to and with the said Sovereign and petty chiefs that one tenth part of the whole of the said Islands and of all the lands hereby bargained and sold shall be held by the said Company in trust for the sole use and benefit of the said Sovereign and petty chiefs and owners of land and that the same tenth part shall be chosen by or on behalf of the said Chiefs freemen and owners of land in ... with any persons to whom portions of the said Islands or any of them may be sold by the said New Zealand Land Company in such a manner

as that the said tenth... be held in trust shall be of equal average value to the other land, sold or otherwise disposed of by the said New Zealand Land Company

Provided always nevertheless and it is hereby agreed between the said parties hereto that for the greater security of the parties hereto of the first part from any aggression on the part of the English settlers who may hereinafter be established in the said islands or any of them all that district of land between the Red Bluff to the North East of Waitangi known by the name of Wera Wera and the settlement to the East of the said Red Bluff known by the name of Rapa Rapa to the sea on the East Coast shall be reserved for the sole use and benefit of the said parties hereto of the first part for the term of five years from the date of these presents and that at the extinction of such term of five years the said parties hereto of the first part shall notify to the said New Zealand Land Company or their Agents which of the said reserves whether the said tenth part or the said district lastly herein mentioned they will retain for their own use and benefit and in case of their deciding to retain the said last mentioned district that in such event the land shall be held by the said New Zealand Land Company their successors and assigns in trust in the same manner and for the same purposes as are hereinafter expressed in reference to the said tenth part of the premises herein conveyed and assigned and the said tenth part to be set apart in conformity with the Covenant to that effect hereinbefore contained shall revert to the said New Zealand Land Company their successors and assigns for their sole use and benefit or that in event of the said parties hereto of the first part deciding to retain the said tenth part that this the said last mentioned district shall revert to the said New Zealand Land Company their successors and assigns to and for their sole use and benefit

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above mentioned.

Signed, sealed and delivered the same having first been faithfully interpreted and explained to the Native Chiefs in the presence of W. M. Clatchie

Signatures – all with red seals and pictorial marks

R. Davies Hanson, Agent to the New Zealand Land Company and on their behalf the marks of E Mari, \_\_, Go-te-riga, Mutu Kraka, E Ra Ro, E Mati Kaibuki, Pora, Oro Wenua, E No No, Batto Kuma Kuma, E. Keou, E Meri, E Hiriwa, E Mate Ato, E Rade, E Uena, E Earo, Kou Tyappa, E Cope, E Uane Porke, Waka Puke, E Oato, A Kompass