

Correspondence relating to Native Affairs
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1843 May 09 G. A. Mealand, New Zealand to J. Fitzgerald Esq., M.D., Wellington
Sir, I beg to acknowledge the receipt of your letter accompanied with the receipts for an allowance hitherto paid by the Colonial Treasury. It is the opinion of the Legal advisers of the Trustees of Native Reserves that allowances granted by order of the Colonial Office cannot be charged upon the Funds of the Native Trust till the purposes for which they were granted shall have been submitted to the Board and approved by them. In the present state of the Wellington Reserves it is not likely that the Trustees would consider themselves justified in charging the fund with the expense in question. Your receipts have therefore been returned to the Colonial Office.

1843 May 09 G. A. Mealand, Auckland to the Colonial Secretary
Sir, I have the honor to acknowledge the receipt of your letter on the subject of the allowance for a Horse to the Medical Officer employed in the service of the Aborigines in the district of Wellington, in which the amount of Dr Fitzgerald's claim was directed to be paid out of the income of the Native Reserves.

You will oblige me by representing to His Excellency the officer administering the Government that the present income of the Wellington Reserves amounting in all to £67 10s is insufficient to meet the above demand, in addition to the expense of the Maori Hospital established at Wellington under the direction of the Trustees. By the terms of the official letter of the late Governor it appears that the Trustees alone are directed to regulate the expenditure of the funds derived from the Native Reserves. No allowance therefore hitherto granted from the Colonial Treasury can be charged upon the income of the Trust, till the purposes for which those allowances were made shall have been approved by the Trustees.

1843 May 23 G. A. Mealand, St John's College, The Waimate to the Colonial Secretary
Sir, I have the honour to enclose the Receipts of Dr Fitzgerald for two months allowance for Forage for one horse from the 1st March 1844 to April 30th a charge which has always hitherto been paid by the Colonial Treasury, and has never been recognised by the Board of Trustees of Native Lands, and which the present income of the Native Lands at Wellington is unable to defray.

1843 Jun 01 J. Fitzgerald, MD, District Colonial Surgeon, Wellington to the Colonial Secretary
Sir, I have the honor to acquaint you for the information of His Excellency the Officer administering the Government that I received a communication from His Lordship the Bishop of New Zealand relative to the allowance hitherto granted me of two shillings sixpence per day in lieu of forage allowance for a Horse for the service of the Aborigines of this district a copy of which communication I have the honor to transmit to you.

His Excellency being fully aware of the extent of district over which I have to travel in the above service it is unnecessary for me to explain the extreme labour and fatigue in having to attend on foot a population of six hundred natives and upwards scattered over a distance of seven miles.

I am extremely anxious that my efforts in behalf of the native population here should not receive any check particularly as their wants for medical assistance become more pressing every day which my returns to the Protectors office will show and as they are now more solicitous for and amenable to medical treatment. Submitting the case entirely for the consideration of His Excellency.

1843 Jun 19 Colonial Secretary, Auckland to the Trustees of the Native Reserves
My Lord and Gentleman, I have had the honor to lay before His Excellency the Officer administrating the Government two communications received from the Right Reverend the Lord Bishop, under date the 9th and 23rd ultimo, relative to the payment of the allowance, in lieu of forage for a horse, to the Medical Attendant of the Aborigines in the District of Wellington, for the months of January, February and March and April of this year. His Lordship having therein represented the insufficiency of the funds, at present at the disposal of the Trustees to meet the expense, I am directed to acquaint you that the Accounts in question have been forwarded to the Colonial Treasurer with instructions to pay the amount as an advance from that part of the Aborigines fund which is to arise from the percentage on the proceeds of the sale of Crown Lands, to be defrayed from the first disposable income of the Trust in that District; but I am, at the same time, desired to say that, should the Trustees consider this expense or any of those authorised by Governor Hobson in His instructions to Mr Halswell, dated 24th December 1841, to be unnecessary it will be discontinued. In conclusion I am directed to request that you will favour His Excellency with your opinion as to what advances will be necessary for that District, as His Excellency is willing to comply with your wishes to the extent promised by the late Governor.

1844 Apr 08 Thomas S. Forsaith, Wellington to the Chief Protector of Aborigines
Sir, In my communications No.44/1, dated February 21st and 44/2 dated February 26th, I had the honor to forward an account of our proceedings up to the time of His Excellency the Governors departure and I now beg leave to call your attention to our subsequent movements, and the circumstances which have transpired up to the present date, and in doing so I shall endeavour to point out some of the difficulties of our present position with the natives of these Districts, and offer some few remarks which the present crisis seem to demand.

On the 5 of March the Commissioner, Mr Clarke and myself left Wellington for Porirua having previously arranged to meet the Chiefs Rauparaha and Rangihaeata there on the 6th. We fully expected to succeed in our negotiations with these Chiefs for the relinquishment of their asserted Claims on the District of the Hutt, and the removal of "Taringa Kuri" and his people, who have been placed there for the sole purpose of defending the Claim, especially as Rauparaha had expressed no willingness to such an arrangement when it was proposed by Mr Clarke, who remained at Waikanae after the meeting which took place on the occasion of His Excellency's visit as detailed in the former of my despatches before mentioned, for the purpose of making these preliminary arrangements – but to our disappointment and surprise they now positively refused to accede to the terms proposed. Every effort was made by Mr Clarke and myself and every argument addressed which we thought likely to overrule their objections but without success. Enclosed is a more circumstantial account of this conference to which I beg to refer you. [Enclosure No.1]

On the 15th we visited the Pa's Ngauranga, Petoni and others, intending to settle the respective claims of the Natives of these places. At Ngauranga and Petoni we were again destined to meet with disappointment. At Waiwetu after considerable difficulty we succeeded. The annexed account of that days proceedings will inform you more particularly of the grounds of the opposition we met with from Epuni, and the Natives of Ngauranga. [Enclosure No.2]

On the 19th March intelligence was received from the Hutt that Taringa Kuri and his people had commenced cutting a boundary line, a short distance above the residence of Mr Swainson passing through that Gentleman's orchard, and the centre of some other sections in the occupation of Europeans, and that Taringa Kuri had informed the settlers that when his line was completed he should remove them to the outer side of it, making it the line of demarcation between the Europeans and Natives, and that he would allow no

settlers within these limits. In consequence of this information Mr Spain and myself proceeded to the spot the following day (Mr Clarke being absent at Ohariu making the preliminary arrangements for compensating the Natives of that and other adjacent settlements on the coast). We found the report correct the Natives having completed a line nearly a mile in length.

The tone assumed by the Natives engaged in this work towards myself and Mr Spain was reckless in the extreme, they treated all my endeavours to point out the evil of their proceedings with contempt and scorn, as you will perceive by reference to the accompanying copy of my report to His Honor the Superintendent. [Enclosure No.3]

Persuasion and argument being alike useless I told him that it was my duty to warn him of the consequences of a determined opposition to the conciliatory offers of H. M. Government and having done so leave him to reap the fruits of his own obstinate rejection of the advice of his friends.

Notwithstanding the apparent contempt with which the Natives treated my remonstrances I am not without hope that the serious warning I gave them will produce a salutary effect. You will notice in the report above reference to an allusion to the absence of Mr Spain.

Immediately after his return from the Hutt that Gentleman proceeded to the residence of the Reverend Octavius Hadfield to confer with him on the probability of Te Rauparaha giving up his opposition to the settlement of this question and to deliver a letter which he had written to Rauparaha on the subject.

Mr Spain returned without having effected anything definite but entertained a hope that the firm and decided tone of his communication would induce Rauparaha and his people to reconsider their determination. Mr Spain has since heard from Mr Hadfield and Rauparaha but the result is not satisfactory. Copies of these communications have I believe been forwarded by Mr Spain to His Excellency the Governor.

On the 26th of March we visited Kaiwarawara, having previously arranged the question of compensation for that place with Taringa Kuri and succeeded in settling the claims of the natives of that, and a small adjacent settlement called "Pakirao" for particulars I beg to refer you to the accompanying copy of the minutes of the meeting. [Enclosure No.4]

On the 28th of March we set out for the settlement of Waiariki Otiraungo, and Ohaua at each of which settlements we succeeded in the most satisfactory manner, although considerable opposition was displayed at the outset for particulars I beg to refer you to the enclosed copy of the minutes of proceedings taken during that visit. [Enclosure No.5]

I have also been informed that Epuni is inclined to withdraw his opposition and accept the sum offered. From the foregoing information you will perceive that notwithstanding great difficulties and many discouragements we have effected much that is important; The Company's title to their Town Lands, and the adjacent sections which have been given out for selection; excepting only the Hutt is now indisputable, and the Settlers who purchased from them and who have been so long subject in many cases to loss and inconvenience, may confidently look for quiet and peaceable possession, but still the question cannot be considered as finally adjusted so long as the Hutt is not included in the Settlement. The possession of this District is I conceive necessary to the existence of Port Nicholson as a settlement and I earnestly request first your attention to the few remarks which I have to make in reference to this subject, and then your advice as to the course to be pursued towards those Natives who are so opposed to our present plan for settling their difference with the Europeans and so blind to their own interests. It is an undesirable fact that the resistance we have met with is not purely Native in its origin. European influence has been most banefully exerted to the prejudice of our cause, especially with reference to the Hutt, Rauparaha and his party have been informed that

the lands in that District alone are worth £100,000 pounds and that the sum we have offered in compensation would not purchase a decent dwelling house in Wellington; such direct collusion alone is sufficient to thwart our object, independently of the difficulties which arise from the Natives themselves, and other indirect causes which I have to mention. The influence of the late collision at Wairau on the mind of the Natives generally has been very prejudicial. I have now been sufficiently conversant with them to mark with pain the tone of triumph and contempt they frequently assume. The unjust and illegal conduct of our unfortunate Countymen in that affair has tended in a great measure to destroy our moral influence.

The Natives generalize in their application of principles, and we are looked upon as contemptible for our cowardice and suspicious for our want of Justice. This is not a hasty assertion every days experience confirms me in the belief of its truth and scarcely a week but gives me fresh cause to mourn the existence and exhibition of such a feeling.

Taking into consideration the many annoyances to which the Natives have been subjected, the advantage taken of their Natural jealousy of any infringement of their independence by interested and designing Europeans who from some base motive which is to me almost unexplicable seem to take delight in misrepresenting the intentions of Government, and in poisoning the minds of the Natives by their insidious suggestions, taking all this into consideration the opposition we have met with is not surprising. But the question is now so narrowed that it depends upon a single issue, and the decision must rest with H. M. Government. It is upon this point the position in which we stand with respect to Te Rauparaha and the Natives of the Hutt that I am anxious to obtain your advice, and that you may be enabled fully to weigh the merits of this important question. I will endeavour to add such information as will tend still further to elucidate and explain the intelligence contained in the enclosures to this report. In the first place I think there can be no doubt that Wharepouri and Epuni sold the Hutt. It is equally clear that the resident Natives on the Hutt have no claim whatever to that District their sole object in going to reside and cultivate there being to hold possession of the land for Te Rauparaha.

Rauparaha's Claim is at best doubtful he never preferred it before the Commissioner though I imagine he has had ample opportunity for doing so nor did he ever mention it till sometime after the formation of the settlement, and although as a matter of policy rather than from a principle of essential Justice he has been awarded a handsome compensation his absolute right to such consideration is in my estimation very questionable; The question then seems to turn upon this single point.

The Government having with the greatest anxiety and solicitude examined the subject of the land claims, and awarded a just and equitable compensation to those Natives who were found entitled to receive it, taking care also to provide that a sufficient extent of land for all the purposes of cultivation &c be retained for their use besides the reserves made by the Company having done all this, are the Natives to have the option of refusing these terms in cases like the present where a partial sale has been proved and the retention of the land by the Natives would inevitably involve the ruin of many industrious settlers, while on the other hand its relinquishment would prove most beneficial to the Europeans without compromising the rights or inflicting any injustice on the Natives? I refer especially to cases in which a partial sale is proved, where no proof exists of even a partial sale having been effected. I imagine the Natives would be at liberty to consult their own inclinations exclusively. I am decidedly of opinion that the present instance is one in which a patient but determined firmness on the part of the Government to carry out its decisions is not only necessary but would be highly beneficial in its ultimate effect upon the Natives themselves.

Rangihaeata and Rauparaha are both extremely tenacious of their power and dignity, and I confess that I am not sanguine in my hopes of their opposition becoming less determined although at the same time I believe they will carefully abstain from acts of aggression, confining themselves to the prevention of settlers occupying the lands beyond the boundary line they have named; and this belief is in some measure confirmed by a report from the Hutt, that my warning has had the effect of stopping the proceedings of Taringa Kuri and his people, but I cannot vouch for its truth, nevertheless to allow these two Chiefs already too much elated to carry out their own views in direct opposition to Government would I conceive be doing them an immense injury and is likely to lead to consequences most disastrous.

The real motives which actuate Rauparaha and Rangihaeata are I think offended pride, and perhaps our paying the compensation money to the Ngatiawa Tribes first, was an impolitic step though it may be argued on the other had, had we paid Rauparaha and Rangihaeata first we should not have succeeded in settling with the Natives of Te Aro, Pipitea and Kumutoto; and thus the Company could not have substantiated a title to some of the most valuable portions of the City. The subject is one of great difficulty and paramount importance and I shall most anxiously look for your opinion and advice. In the meantime I can only hope that Te Rauparaha and Rangihaeata will reconsider their determination. [signed] T. S. Forsaith, Protector of Aborigines.

Enclosure No. 1

Taupo near Paramata (Porirua) March 8th 1844

At a court held before Mr Commissioner Spain this day – Present Mr George Clarke Junior, Mr Forsaith, Baron Alzdorf, Messrs Hewlins, David Scott, William Rea and several other Europeans; Rauparaha, Rangihaeata, Puaha and about 200 Natives.

The Commissioner addressed them as follows – “Rauparaha when I received your letter last Friday expressing your desire that I should come at once to you and Rangihaeata, to settle about the Port Nicholson purchase, I immediately wrote you in reply stating that I acceded to your request and would come here with Mr Clarke and Mr Forsaith on Wednesday last, I came according to my word and arrived at Paramata on Tuesday last and I am now glad to meet you and Rangihaeata here and hope we shall arrange the matter justly and fairly to all parties.

The Queen of England taking a deep interest in the welfare and prosperity of Her Subjects the Maories (natives) and being determined to administer equal Justice to the Maori and European race sent me out here to examine into and decide all disputes about land between you and the Europeans.

I have most carefully examined and impartially considered all the Maories have had to say as well as the Europeans, about the sale of Port Nicholson and I am prepared to make my decision which must be binding and conclusive on all parties concerned and when once given cannot be altered.

I have decided that the Natives who owned the land described in the Port Nicholson deed are entitled to a further payment. Mr Clarke has been appointed your Protector to watch over your interests and to see that Justice is done you it is his particular province to decide the proportion of the payment that you are to receive for the lands comprised in the Port Nicholson deed and perhaps it will be better for you to talk the matter over with him first, and when you are agreed, I will hold another court and finally decide. Listen to what Mr Clarke says to you. He will tell you what is best for your own interests and when you are ready to meet me again let Mr Clarke know and I will come.

Your Pa's cultivations and burial places have been reserved for your use in addition to the Native reserves. There is plenty of land left for you besides that which has been sold to the Europeans, so that both races can live peaceably and quietly together as subjects of the Queen of England.

I have no interest whatever in any of these lands and was sent here on that account so that my decisions might be disinterested and impartial.

When the Europeans purchased Port Nicholson they did not wish to take possession of it all, and drive you away. No my Friends, that would have been very bad, but they reserved lands for you as well, and the Capital, and Labour brought here by the White men (Europeans) will make the land left for you four times the value it was when they came.

Let all angry feelings cease between us, and let us live together as one people. I repeat, listen to what Mr Clarke has to say he will fully explain all about this matter and how much you will be benefited by taking the payment now offered to you. He will also listen patiently to all you have got to say and when you have done your talk I will come to you again, but I hope you will not keep me long as I have been waiting here ever since Tuesday and I am much wanted in many other places to settle about the land so decide quickly and now my friends good bye." The Commissioner then left the Pah and all the Europeans present at his request followed him except Mr Clarke who was left quite alone with the Natives. [signed William Spain, Commissioner]

Mr Forsaith after returning with Mr Spain rejoined Mr Clarke and they used every endeavour to persuade the Natives to accede to the terms offered reasoning with them until late in the Evening but without success. In the morning they again renewed their argument but finding the Natives deaf to all their proposals Mr Forsaith despatched a messenger to the Commissioner who had requested that he might be sent for when the determination of the Native, should be known.

On his arrival Mr Spain said "I have come according to my promise of yesterday" when I told you I should leave you to talk the matter over amongst yourselves and Mr Clarke, and return again to hear the determination you had arrived at." I expected to have received a message from you this morning but not having done so I am now come myself to know your decision.

Rauparaha desired Mr Spain to apply to Rangihaeata for an answer, Mr Spain said No. It was in consequence of your letter that I came and I expect an answer from you. It is with you that I am come to discuss this matter. Rauparaha saw my letter referred to my claim upon Port Nicholson, and I am ready to negotiate this matter, but you now want me to give up the Hutt. Mr Spain replied I came here for the express purpose of satisfying your claim upon Port Nicholson, and have decided that you have to receive £300 and you know that the Hutt is included in that District did not Mr Clarke converse with you on this subject at Waikanae, and did you not consent to the terms proposed? I am very much surprised that after coming here according to your own request you should now refuse to accede to the proposals of your friend and Protector Mr Clarke. Rauparaha said I understood I was to have a payment for Port Nicholson and I am now willing to receive it. I had no idea you meant to include the Hutt. If I had so understood Mr Clarke at Waikanae I should have told him then that I would not consent.

Mr Spain asked Mr Clarke if he had not conversed with Rauparaha on the subject of receiving compensation for his claim upon the Hutt and the removal of his party that river. Mr Clarke answered that he had spoken of his claims under the general terms of Port Nicholson, but that the Hutt was clearly understood to have been included; Rauparaha said, I consider Port Nicholson to mean all the land seaward of Roto Kakahi but that beyond Roto Kakahi would be retained by the Natives. Mr Spain replied the boundaries

have been fixed by Mr Clarke after the most careful consideration, and I can by no means listen to any proposal for altering them. If you wish they shall now be read over to you again.

Rauparaha said I will not hear of any boundary that includes Pakaratahi the Natives who reside on the spot will by no means consent. Mr Spain replied I am quite aware of the cause of your making this objection. That man (pointing to Taringa Kuri who was sitting near Rauparaha) is cultivating some land there to which he has no right whatever, and it is he who has persuaded you to do this he told me that he had no claim upon the Hutt and promised to leave it after he had taken off his crop's he also said that he was only sent there by you to keep possession until your claim was satisfied and I now ask if you have not within the last 24 hours told "Kuri" that if you chose to sell the land you would turn him off, that as he had no right there he must go to his own place? Rauparaha said it belongs to "Taringa Kuri" he is the "elder man" of the resident Natives and that child (pointing to a boy who was present) is the real Chief of the place.

Mr Spain said if you continue to reject my offer I am sorry, but be assured that the boundaries already fixed upon must be considered final, and the sum awarded £300 will not be increased. Mr Clarke has been especially appointed to arrange these boundaries and they have been fixed after much careful deliberation and I have decided that the sum offered is just and equitable and more than you are really entitled to receive. Rauparaha said "I cannot interfere and Rangihaeata will not consent to our proposals."

Mr Spain replied, then why did you send for me? Have you not often said you would abide by me decisions, and asked me to interfere and get things settled for you do you not recollect what you said to me at Waikanae "I am now a Christian and want peace." I have done all I can for you. I have no interest in the question. I have tried all the means in my power to arrange this matter for you and to remove all causes of quarrel between you and the Europeans. I have made my decision and cannot alter it. I have now nothing to do but to go away. I am sorry for it. Rauparaha said, detaining Mr Spain who was rising to leave, do not go away in anger. I do not wish to upset the arrangement but the boundaries must be altered. Mr Spain said no. I do not go in anger though I go in sorrow. It is not I that has upset the arrangements. I go away in sorrow because you refuse the offer that has been made to you. I have decided according to my conscience and I cannot alter it. I have been now a whole week about this business. I am called by duty to another part of the Island, and must now leave you. I exceedingly regret the resolutions you have taken.

Rauparaha commenced talking about previous matters connected with Wairau but Mr Spain desired him to keep to the business in hand he could not talk about the Wairau. The Governor had settled that affair and if he (Rauparaha) was fully determined to reject the proposals made he must leave them to attend to his other duties.

Rauparaha said Do not go yet. Mr Spain wished to know if he had anything more to say relative to the subject on hand. If so he would stay, but he could not listen to anything about the Wairau. He had taken great pains and trouble to procure the money to be paid to them and was very sorry they refused to accept it. I have performed the promise I have made to you, and procured the money intended for you. I came here to meet you, and I am only sorry that you will not agree to my terms. The day will soon come when you will admit that I have been your sincere friend and you will repent not taking my advice. I must now return to Port Nicholson but I will once more tell you my final decision. I have decided that you should have £300 for the lands included in the boundaries fixed upon by Mr Clarke, upon consideration of "Taringa Kuri" and his party immediately removing from the Hutt, but not wishing to deprive them of the means of living I have taken upon myself to award a further sum of £100 for their crops but which you are to understand is entirely distinct from the compensation awarded for the land and this is my final decision which will never be altered. I now bid you farewell. I leave you in sorrow but not in anger and

you will some day confess that I have had your interests at heart and that I am one of your true friends.

“Turinga Kuri” said if you go away in sorrow anger will soon follow, sorrow is always followed by anger. Mr Spain replied laughing and shaking hands with “Turinga Kuri”. No I indulge in no angry feelings toward you. I am only sorry for your sakes you will not take my advice. The meeting was then broken up. A true account of the conference with Rauparaha [signed] T. S. Forsaith.

Enclosure No.2

On Friday the 15th of March 1844 Mr Commissioner Spain accompanied by the Principal Agent of the Company, Mr Protector Clarke and Forsaith set out for Ngauranga Petoni and Waiwetu for the purpose of paying over to the Natives of these respective places the amount of compensation that had been awarded to them. The Commissioner having the day before despatched Mr Clarke to arrange the preliminaries and obviate as far as possible any difficulties that might arise on arriving at Ngauranga the Natives declined entering into any negotiations on this subject stating that their own interests were combined with those of Epuni at Petoni according to whose decision they should act. Mr Spain through Mr Forsaith requested them to accompany him to Petoni which they readily agreed to do. On arriving at Petoni, where a considerable number of Natives were assembled, Mr Spain commenced the business by informing Epuni that he had come to pay him the sum of thirty pounds which Mr Clarke had set apart for him, that he was not to consider it as a payment for his land it having been proved by his own evidence in Mr Spains court that he had before sold the land and receive payment with which he was satisfied from Colonel Wakefield but that Mr Clarke whose particular province it was to settle the proportion of payment that each Tribe or family was to receive not wishing to forget him and his people had decided that he should receive the present sum, not as further payment for the land but as a present, he being unwilling to excite any unpleasant feeling by excluding him entirely from a participation in the compensation that had been decided upon for the Port Nicholson District. Mr Clarke then displayed the money before the Natives assembled. Epuni replied with great calmness. I shall not accept your payment. I do not want it. I never asked for a second payment for the land. I have already sold it and received payment and I could not think of taking a sum so small, as it would not be at all adequate to our numbers if divided. If I were to take it it would only lead to quarrels amongst ourselves. As you have determined to make a second payment for the land why do you make it so unequal? You gave the Natives of Pipitea and Kumutoto £200 each why give so large a payment to the Pipitea Claimants? I have equal rights with them. If you had decided to give a very small sum I should have been perfectly satisfied provided we all received the same, but I will never consent to receive a sum so disproportionate to that paid to others.

Mr Spain through Mr Forsaith again urged upon him the fact that he was not entitled to receive anything that by his own acknowledgement he had been paid for his land, that this sum was to be received entirely as a mark of favour and good will but that if he was determined to reject it, he should not force it upon his acceptance, but requested him particularly to understand that the land would be awarded to the Europeans whether he accepted the present offer or not. Epuni replied I know I have sold the land. I never asked for a second payment and I will not accept of any sum less than that given to others, whose claim is no better than my own.

Colonel Wakefield then addressed Epuni and said he wished him to take it as a token of his respect and friendship you know I have always behaved with the greatest propriety towards me and I shall be sorry if you reject the sum now offered you.

Epuni replied “I know you have always been my friend, and I have always liked you very well, and when I want any tobacco or other presents I will come to you for it.” Colonel Wakefield said “have I ever denied any of your reasonable requests?” Epuni said No.

Colonel Wakefield then answered – Therefore I wish you to take the sum now offered. I advise you as a friend to do so. I do not wish to grieve any of you but I will not take your money.

Many arguments were used by Messrs Spain, Clarke and Forsaith but Epuni still firmly but respectfully declined taking any less sum than that given to other Natives. Mr Spain said “well if you are determined I must bid you farewell and the money will be paid into the Bank until the Government have determined how it should be expended for your advantage. The Commissioner with the Gentlemen accompanying him then took their leave and proceeded to Waiwetu.

Arrived at Waiwetu, Mr Clarke asked the Natives their determination respecting the offers he had made them on the preceding day saying that according to their own request he had now brought the money that they might see it. He then displayed the money before them. For some time they remained silent, until an elderly man in a very animated speech rejected the offer urging as a reason why they had a right to expect a much larger sum, the fact of their not having received anything from Colonel Wakefield, several others followed in the same strain.

Wiremu Kingi the principal young Chief of the place then spoke. He said the sum was so small they could not accept it. He wished to know whether any reserves would be made for them saying that the reserves allotted them by the Company were wholly unfit for their use being swampy or covered with water. He wished to know whether these reserves would be changed. Mr Spain replied certainly, if on examination it is found that these reserves are ineligible for your use, others will be substituted for them in another place but where I cannot say, it will be specifically provided for by the Government that you have a sufficiency of land to cultivate for your food. Several of the women then joined in crying out against the sum offered and with great earnestness advised them not to take it unless the sums which had been allotted to the Natives of Ngauranga and Petoni and which had been refused by them respectively were added to the amount.

This proposition was eagerly seconded by the rest who cried out “give it us all and we will be satisfied.” Mr Clarke rose and addressed them, he reminded them of the length of time he had been striving to obtain Justice for them, that he had done so, and now offered them a fair and equitable compensation and that the amount now offered would not be increased though they should continue to strive about it. That he should not return to them again or make any further offers but tell the Europeans that he had done all that justice demanded and that they might now take the land. This had no effect in stopping their demands for more money and one old man seized one of the bags, and was carrying it to his house, but was brought back and made to return it by Mr Spain.

Mr Spain said through Mr Forsaith I shall now leave you, but before I do so I will make you my final offer. The sum now offered will not be increased. It has been decided upon by Mr Clarke who was specially appointed to this duty and approved by the Governor. I as your friend advise you to take it. If you refuse I shall offer you nothing further but award the land to the Europeans and hand the money over to the Government to be laid out for your benefit. I wish you to remember what you formerly said that you would leave the question of compensation for your lands entirely with me and abide by my decision. I am very much surprised at your present conduct, so contrary to your former professions I shall now bid you farewell.

On preparing to leave Wiremu Kingi requested us not to be in haste, that that if they could be sure of having certain lands reserved which he named they would take the payment; some conversation was then held on the question of these reserves, the Natives anxious to obtain a definite promise that these lands which they named should be reserved. They were informed that this could not be the lands in question had been sold to Europeans but the Commissioner assured them that his Surveyor should mark out

a sufficient quantity of eligible land for them but he could not at present say precisely where.

One Native advised the refusal of the money unless the promise of these reserves was conceded, but all the others decided on taking the money and begged Mr Spain not to mind what he said. The deed was then produced read the usual questions put by the Commissioner to the Protector after which it was signed and the money delivered over to them.

The meeting then broke up and the Commissioner in company with the Gentlemen who attended him with the exception of Mr Clarke who remained to divide the money to prevent quarrelling returned to Wellington. I certify this to be a true account of the proceedings of the Commissioners Court on Tuesday 15 March 1844 [signed] T. S. Forsaith.

Enclosure No.3

Wellington 21 Mar 1844 to His Honor the Superintendent of the Southern Division. Sir, I have the honor to inform you that in accordance with Mr Commissioner Spain's instructions I accompanied him to the Hutt to ascertain the truth of a report that "Taringa Kuri" and his people were cutting a line to define the limits of what they considered to be the Company's purchase differing materially from that defined by Mr Clarke in his arrangements with the Principal Agent of the Company for compensating the claimants of the Port Nicholson District, and at the request of Mr Spain who was obliged to leave Wellington early this morning for Otaki on duty I beg leave to report the result of our visit.

On our arrival we found that the natives had commenced a short distance beyond the residence of Mr Swainson cutting a line on the N Eastern bank of the river some thirty or forty yards broad and extending nearly a mile in length. We proceeded down the line until we came upon the party still at work. On enquiring for "Taringa Kuri" we were informed that he had returned to his residence, we accordingly retraced our steps and followed him to the Pa accompanied by several of the natives who were exceedingly anxious to ascertain the object of our visit. One of them in particular, a person apparently of some authority, but whose name I could not ascertain assuming a very unwarrantable and disrespectful tone said "If you have come to make any remarks about our cutting this line, you may as well return at once, for we will listen to nothing you have got to say on that subject. We have quite made up our minds on the course we intend to pursue nor will we be deterred from it by you, by the Governor, or by the Queen herself."

I replied that... was offering us a very gratuitous insult, that our object was to see "Taringa Kuri" the Chief of the party that as he without reason had spoken so disrespectfully of the Governor, Mr Spain and myself I should decline holding any further conversation with him.

We proceeded to the Pa where we found "Taringa kuri" and a few of the natives who on hearing of our arrival had returned from their work. Mr Spain requested me to ask "Taringa kuri" what was the object of their present undertaking. He replied "I am cutting a line according to the directions of te Rauparaha to divide between the lands of the Europeans and our own." Mr Spain answered, but you know this is very wrong this is not the line agreed upon by Mr Clarke and explained by him to Rauparaha at Waikanae and I am very grieved that you should act in this way as it plainly proves you are not peaceably inclined. It is very wrong and will not be allowed.

"Taringa kuri" replied "Yes we are peaceably inclined it is you who are not peaceably disposed towards us. You heard at Porirua as well as I that Rauparaha and Rangihaeata would not agree to those boundaries, and all I have to say is that if you are determined to insist on those boundaries you had better return to the land of your birth. Why do you follow me from place to place to take away our land.

Mr Spain said "Taringa kuri" you know that you are speaking untruths we do not want to take away your land. This land is not yours you have often told me that you had no claim to it that you were sent here by Rauparaha to hold possession until his claim was satisfied. This land has been already sold and I have a Deed in my office bearing Rauparaha's own signature acknowledging the receipt of some payment but as I have been deputed by the Queen to investigate these purchases I have decided that Rauparaha should receive an additional payment in compensation. This payment which is Just and liberal has been offered but refused. I have therefore done all in my power to bring your disputes with the Europeans to an end, but if you will act in defiance of all your friends you must abide by the consequences but be assured that the boundary line you are not cutting will not be sanctioned by the Governor and I now request that you will desist and carry the line no further at least until you hear from me again. I am writing a letter to Rauparaha and upon receiving the answers I will see you again till then I request you will discontinue cutting this boundary.

"Taringa kuri" replied No I shall not discontinue my work when I have finished on this side the river I shall cross over and carry it on till it meets Hiko's boundary. I said but you are aware that there are several peaceable families residing above the line you are now cutting? Taringa kuri answered Yes I am aware of it I do not intend to disturb them at present when the boundary is finished I shall remove them to this side of it. I answered I am very much afraid that your heart is not at all inclined to put an end to these long existing disputes you have now an opportunity of doing so without compromising your own interests or surrendering any of your just rights. An equitable and liberal payment has been offered to you for land which by your own confession is not your "Kainga Tupu" (or birth right) and to which you have no individual right. Let me then as your friend advise you not to proceed in your present course and by all means to refrain from molesting the Europeans or depend upon it you will get into trouble.

The man who had before spoken so rudely to us here got up and motioned us away. Get you gone we will not listen to you. Taringa Kuri requested him to be silent and continued you are all alike, you only want to get possession of our lands you are not our friends. You Mr Spain were one of the first to go on board the 'Victoria' to seek vengeance for the fight at Wairau and you Mr Forsaith did not punish Hervey the man who charged an innocent Native with an attempt to commit a criminal assault upon his wife, beside biting kicking and setting his dog upon him. Mr Spain said "Taringa kuri you are falsely accusing me and misinterpreting my motives you know that my object in going on board the 'Victoria' was peaceable. Did I not go unarmed and alone amongst the Natives with my Interpreter to investigate that said affair? Did I not take charge of one of the wounded men and bring him over to Wellington that he might receive surgical aid? You know that you are uttering wicked falsehoods in this accusing me." I said, you are also doing me great injustice you know that I took every pains in establishing the innocency of the accused man and after he was acquitted I told you to meet me the next morning in order to lodge a complaint with the Magistrate against Hervey for his brutal conduct towards Topi. I went to the Police Office and waited in vain for your appearance and returning I met one of your party who told me that you had not come in to Town, I then requested him to tell you that I had been waiting for you, but having other business I was compelled to return home. I directed him to bring the complainant into Town as quickly as possible and on his arrival to let me know telling him where I lived and that I would immediately leave my other business and go with him to the Magistrate, but you never sent for me and on making enquiry I afterwards heard that you had shaken hands with, and forgiven "Harvey" what grounds therefore have you for charging myself and Mr Spain with being your enemies. What interest have we in the land of this District have we any estates here that might induce us from self interest to be partial in our proceedings? You know we have not. Mr Spain has always been your friend and I came here expressly for the purpose of trying all in my power to establish a good understanding between you and the Europeans. The Natives of the Northern part of the Island have known me many years

and I never was treated with such ... before. I am not angry but grieved because I see you do not know your real friend.

Mr Spain said I must now go. It is useless for me to stay any longer as you not only refuse to listen to my advice but impugn my motive. But pay attention to my parting assurance that the line you are now cutting will not be acknowledged by the Governor.

“Taringa Kuri” said “Do not go yet. Perhaps I was wrong to accuse you and Mr Forsaith but we are peaceably inclined. We shall cut the boundary commencing as Rauparaha requested at Roto kakahi you heard him insist on that as the boundary as well as myself. If we quarrel it will be your fault and as you are now going I will accompany you to point out the precise spot which Rauparaha named and you will see that I am cutting the line considerably this side of the spot he mentioned.”

Mr Spain said “Do not imagine that we are seeking cause of quarrel you are doing so by rejecting and treating with contempt the just and liberal terms offered you by Government, and once more I beg of you to desist and warn you against the consequences which must ensue if you persist in your present line of conduct. You have always found my words to be true and I now tell you that you are doing very wrong and rendering yourself liable to punishment and if you persist you will get yourself into trouble. Taringa Kuri replied “You have heard our determination and I will abide by it whatever be the consequence, as to the Governor I have nothing to say to Him, nor do I wish to hear anything about him.

We then returned accompanied by Taringa Kuir who pointed a creek which he said was Rotokakahi the boundary fixed by Te Rauparaha calling our attention specially to the fact that he had kept his line some distance within this point. Finding him determinately opposed to all we could say but thinking he might be more willing to listen to advice if away from the influence of those about him we requested him at parting to come into Town and converse with us again on the subject at Mr Spain’s office. To this proposal he did not object although I do not anticipate seeing him here. [signed] T. S. Forsaith

Enclosure No.4

On the 26th of March 1844 Mr Commissioner Spain accompanied by Messrs Clarke and Forsaith proceeded to Kaiwarawara to settle the amount of compensation to be paid to the Natives of that Pa. “Taringa Kuri” the principal man of the settlement had been conferred with on the preceding day. During this conference his objections to the smallness of the amount to be awarded viz £40 were combated and overruled. He also urged the want of suitable reserves as a plea for refusing the offer made. This was met by Mr Forsaith at the Commissioners request pointing out upon the Company’s plan a block of 500 acres which had been specially reserved for this purpose, besides two sections of one hundred acres each having beach frontages, and he was told that the above mentioned block was reserved principally on account of their having selected a portion of it themselves as a cultivation ground. After considerable discussion he agreed to meet us on the following day and sign the deed. Accordingly on the day appointed the 26th the deed was read and the boundaries explained by Mr Clarke and the usual questions put by the Commissioner after which two of the resident Chiefs whom “Taringa Kuri” had appointed to receive the money signed the Deed. “Taringa Kuri” himself objecting to affix his signature but the Commissioner informed him that although it was quite immaterial to him the arrangements they had made for the appropriation of the money he would by no means sanction the payment being made unless he “Taringa Kuri” signed the Deed which he at length did, and the money was paid over to them.

The Natives of Pakuas being present the deed for that place was produced and read and after the usual forms signed by the Natives without objection and the money awarded to them viz £10 paid.

We then proceeded to Ngauranga having been informed by one of the resident Chiefs that the Natives of that place had withdrawn their opposition and consented to take the sum awarded to them, but we find this information incorrect. The principal Natives were still opposed to the offer, and we were obliged to return to Wellington without having effected our object.

Enclosure No.5

On Thursday the 28th of March Mr Commissioner Spain, accompanied by Messrs Clarke and Forsaith proceeded to Waiariki to settle the claims of the Natives to compensation of that and the adjacent settlements of Oteraungo and Ohaua.

On the morning of the 29th instant the Commissioner opened his court and Mr Clarke informed the Natives present of the purport of his visit viz to pay them in Mr Spain's presence the sum of £20 which he had previously informed them had been awarded as compensation for their claims. No objections were made the Deed & Schedule containing the boundaries of land for which they were receiving compensation were read and after the usual questions put by the Commissioner as to whether they perfectly understood the engagement they were making, the deed was signed by all the principal men of the place and the money delivered to them.

We then proceeded to Otiraungo but found some of the Natives absent. Messengers were dispatched and we awaited their return. After a short time they came when Mr Clarke again stated the object of his visit informing them of the satisfactory manner in which the question had been settled at Waiariki displaying the £20 which he had before informed them was the amount they were to receive. The commenced objecting to the smallness of the sum. Many speeches were made and the usual agreement adduced as reasons for their refusing to accept the offer Mr Clarke told them that he was exceedingly surprised at their dissimulation, as they had given him to understand that they would accept the sum awarded them when he visited them a few days ago for the purpose of making the preliminary arrangements, assuring them that the sum would not be increased and that the land would be awarded to the Europeans whether they consented or not. Mr Forsaith followed Mr Clarke using every endeavour to point out the injury they were doing themselves by this rejecting the offers made them. Mr Spain also through Mr Forsaith told them that he should make them no subsequent offer, nor again visit their Settlement wishing them clearly to understand that the land excepting their Pa's, cultivations, reserves &c would be awarded to the Europeans.

They however continued obstinate in their refusal and we left them and proceeded to Ohaua. The same result awaited us here, violent objections were made to Mr Clarke's offer, the same arguments and persuasions were employed but without success.

We found the principal Natives of Te Ikamaru assembled at this Pa and they immediately communicated to Mr Clarke their readiness to receive the £10 which he had decided to be the amount of compensation to which they were entitled, when the usual questions having been put and the forms gone through, they signed the deed and the amount £10 was paid.

We then left returning homeward, telling the Natives of Ohaua, that we had made them our final offer which would not again be repeated. Having reached Oteraungo we stopped for the night. Early in the morning two notices, one from Otiraunga, and the other from Ohaua, came to inform us that the Natives of both places had altered their minds, and were desirous to receive the payment.

The one from Ohaua saying that he had been deputed to receive the amount coming to his place. The Commissioner informed him that he was willing to accede to their wishes, but could not pay the money to one individual, as it was necessary that the other principal men of the family should be present that after the unnecessary trouble they had already

given him, he should not return to Ohaua but if he (the native) chose to send for the principal men to receive the payment and sign the Deed he would wait until they came. To this agreement they consented and despatched messengers to Ohaua accordingly.

In the meantime we went to Oteraunga Pa, and after going through the usual forms the Natives signed the deed and the £20 was paid to them.

About four hours afterward the principal men of Ohaua arrived and the deed being signed the money £20 was paid to them and we returned direct to Wellington.

1844 Jun 24 J. Fitzgerald, MD to the Secretary for the Southern District

Sir, I beg to report to you for the information of His Honor the Superintendent that all the supplies with which my hospital has been heretofore furnished are now consumed. I am therefore in great want of a few articles such as sugar rice & which are absolutely required for the sick. Up to this period all these things have been plentifully supplied by his Lordship the Bishop who regretted... not being in a position to continue his aid. This institution is now in high repute amongst the Natives of this place many of whom have at some time or other received benefit from it. The frightful amount of inflammatory disease which prevails here amongst the native population will render my efforts in some cases almost useless if unaided by the administration of a proper and suitable diet and on the other hand the uniform success in the treatment of these cases when aided by such means and the extraordinary delight and gratitude of these poor people will I am sure induce His Honor to cooperate if possible to an object which tends so much to relieve the sufferings of the native population.

Annotation: Acquaint Dr Fitzgerald that his letter will be submitted for His Excellency's consideration & instructions, but I cannot sanction any but the most unavoidable expense in the present financial difficulty. M. R. [Matthew Richmond] 15 July 1844.

Annotation: However laudable may be the purposes for which Dr F. applies for these articles the want of means in the hands of Government prevents compliance with the request. A. S. [Andrew Sinclair] 10 August 1844.

1844 Jul 03 A. McDonald, Nelson to the Colonial Treasurer

Sir, In conformity with your desire that I should write you on the subject of John Nisbet's claim against the Government for work done at Nelson Jail in June 1843 during my term of office as Sheriff (as per accounts enclosed viz £2 0s 11d and £3 17s 10d) I have to inform you that these accounts have been returned more than once, with the same extraordinary statement viz "that they cannot be paid until properly authorised and duplicate copies of the authority be furnished to this office in the usual manner." I beg to hand you extract from my letter of 10 October 1843 to the Hon. Colonial Treasurer returning these same. In reply I beg to say that I was not aware that it was requisite to obtain any such authority for incurring expenses that were absolutely necessary such as fitting shackles upon prisoners and mending and strengthening the Jail, more especially as these services were performed in cases of emergency which rendered it impossible to obtain any authority from Auckland previous to their being performed, trusting that His Excellency will be pleased to pay the same &c &c.

Judge of my surprise to find these accounts again returned and still unpaid especially after His Excellency Governor FitzRoy stated when here that they should be paid. I must say that such an extraordinary method of conducting business is entirely beyond my comprehension. I conceive that it would be much better at once to say that it is not convenient to pay and prevent the parties troubling themselves farther on the subject, several that had had small claims here have preferred to lose the amount rather than apply for them, and during the time I held office. I have been refused supplies for the Government unless I became personally responsible for the payment. I must therefore request that you forward a copy of this letter with the accounts to his Excellency and

ascertain if they are to be paid, as the poor man is in great distress for want of the cash, and some other means must be adopted to relieve him should the Government decline to pay.

1844 Jul 04 J. Fitzgerald, MD, Wellington to Secretary for the Southern District
Sir, I have the honour to acknowledge the receipt of your letter bearing date of 7th ultimo in which you convey to me His Excellency's regret that the circumstances of the Colony will not admit of His Excellency allowing me more than half the amount of my accounts for February and March for Medical attendance on the Natives of Port Nicholson.

I am fully aware of the difficult and peculiar circumstances under which His Excellency is placed and beg that His Honour the Superintendent will convey to him my kind and grateful acknowledgements for the light in which His Excellency is good enough to bill my services in behalf of the native population of this place and to assure His Excellency that nothing will be wanting on my part to carry out and to render effective to the fullest extent in my power His Excellency's benevolent intentions towards the natives of this and the neighbouring districts at the same time. I beg most respectfully to acquaint you for the information of His Honour that as my horse has been kept solely and entirely for the Native Service, I will now be unable to keep him under the present circumstances and the wants of the sick of this extensive district cannot be attended to as they have been heretofore without one, besides the loss of time would be such as to render it impracticable for any medical man to attend sufficiently to the wants of the numerous sick.

A case occurred the other day of which His Honor and many persons here are aware of the eldest son of one of the most influential Chiefs "Epuni" of Petoni Pa seven miles off was attacked with inflammation of both lungs so bad that his Father and relations believed his recovery impossible all his friends comprising almost the entire population here were lamenting and expecting his death every minute. I visited him and in a few days to the great delight and astonishment of all but particularly of his aged Father he recovered and is now perfectly well. Had I the means of getting there and back speedily he would in all human probability have fallen a victim to that most prevalent disease.

This case out of many of daily occurrence will exemplify the necessity as well as the benefit arising from the medical attendant being furnished with a mode of conveyance from one place to another and I feel perfectly certain that nothing tends so much to keep up the friendly relations with the Natives as their witnessing the relief and recovery from sickness of their friends and relatives.

Four years experience and attendance upon the Natives has enabled me under Providence to treat successfully almost every case of the sort when seen in time and it would be a pity now that my poor efforts should receive any check in a place where so much sickness prevails and where the medical establishment is the only thing as yet from which the natives here desire any actual relief.

In conclusion allow me again to state for the information of His Excellency that so far as I am personally concerned my utmost exertions will ever be used in this or in any other way to carry out his views for the benefit of the native race in whose real interest I am deeply concerned.

Annotation: To be forwarded to the Colonial Secretary for His Excellency's information.
M. R. [Matthew Richmond] 15 July 1844

Annotation: The expense of medical attendance on the Native Chiefs and their families should, I think be borne by themselves, but the poorest class will be fit subjects for the consideration of the Board of Native Trust in that respect. A. S. [Andrew Sinclair] August 8th, 1844.

Annotation: Read and retained for consideration – acknowledge receipt and send papers back to me – say the subject is under consideration – but that compliance with his request is at present impossible. 11 Sep 1844.

1844 Jul 10 Thomas S. Forsaith, Auckland to George Clarke, Chief Protector of Aborigines

Sir, Having in accordance with your instructions returned to the seat of Government, I have the honour to furnish you with a summary of my proceedings in connexion with Mr Commissioner Spain subsequently to the date of my last report of April 8th.

It will not however be necessary for me to enter into any lengthened account of my proceedings, being chiefly employed as Interpreter to the Commission and it being the intention of the Protector of the Southern District to report fully in each case, I shall therefore confine myself to a brief notice of some of the principal facts.

Mr Commissioner Spain, the Principal Agent of the Company, the Protector of the District, and myself left Wellington on the 18th of April, it being Mr Spain's intention to adjust the several claims of the Company at the different places through which we had to pass on our route to Taranaki.

It will be seen by reference to my report above alluded to that previous to our leaving Wellington the whole of the claims in that district were settled with the exception of Rauparaha's on the Hutt; on arriving at Otaki and Ohau we saw that Chief and his nephew "Henry Martyn".

"Henry" is a young man of great promise and his word I think may be confidently relied on. The subject of the Hutt was introduced, Rauparaha with apparent sincerity denied having any thing to do with refusing to give up that district laying all the blame on Rangihaeata. I replied "it is very well for you to say so, and perhaps you are in some measure speaking the truth but we know very well that your influence is great and that were you determined to settle this matter Rangihaeata would not resist you." He answered evasively, "If you had brought the money with you when you visited Porirua, and held the meeting at Taupo I would have made them take it." I replied, "if such are your feelings, and you are really disposed to bring this matter to an amicable adjustment I ask you supposing we were to produce the money now how would you act?" He answered I would not take it lest it should be said I did so privately. Mr Spain said "If you will promise to settle the business I will wait to meet you and Rangihaeata for that purpose." He replied, No, Rangihaeata will not come. Henry Martyn then called us aside and spoke as follows. "It is quite true we are all very much concerned that this question is not settled we are all agreed to take the compensation offered, but Rangihaeata is obstinate however you must not be discouraged, I tell you that it will be settled shortly, the natives will not keep possession long, only take care and do not let your people interfere with the natives at present, so as to give them an opportunity of being troublesome. You are now going to the Northward, go in peace and by the time you return I doubt not something will have been done to bring this matter to a final settlement." We expressed our satisfaction at this intelligence and taking our leave proceeded on our journey.

On the 25th we reached Manawatu, Mr Clarke and myself made several visits to Taihaparua the principal Chief of those who had participated in the payment given by the company for this district but he formerly declined receiving any compensation alleging that as he had never sold his land he should not do so now. It will not be necessary for me to enter into the history of this case as Mr Spain and the Protector will doubtless report fully there upon and especially as I am not acquainted with the evidence formerly taken by the Commission in this case; suffice it for me to say that Mr Spain distinctly told

the natives through me that he should award the land surveyed to the Company and if they refused the compensation offered, recommended the Government to invest it for their benefit.

May 1st. We left Manawatu and proceeded by Rangitikei and Wangaehu to Wanganui. The same result attended all our endeavours at this place, as at Manawatu. "Mawae" was inexorable in his refusal to accept compensation his conduct relative to this subject has been very flameable. He sent letters to Mr Spain at Wellington stating his anxiety for that Gentleman to visit him for the purpose of settling the question and subsequently the Reverend Mr Taylor called upon Mr Spain and handed in a list of articles which he said the natives wished to receive also stipulating some reserves which they wished to make. "Mawae" however in our discussions with him on the subject denied having authorised Mr Taylor to make any definite proposals to Mr Spain; how far Mr Taylor might have misunderstood the intentions of the natives I cannot say, but supposing he did so, I never the less cannot acquit Mawae altogether, as I am persuaded he has acted with some duplicity in this affair. Expostulation and agreement were of no avail and we were at length compelled to leave and proceed on our journey after the Commissioner had made known his intention to the natives, to recommend a similar award as in the case of Manawatu.

On the 17th May we left Wanganui and travelling on through Wai Totara, Otiho, Manawapou, Waimate, Kaupokonui, Otumatua, Waiaua, Warea and Hauranga to New Plymouth at which place we arrived on the 29th. The following day Mr Clarke and myself visited the different settlements as far as Waitera, to request the attendance of the natives at the Commissioner's Court. On the 31st the court opened and the investigation was continued without any material interruption until the 6th June.

On the 8th the Court again opened when the Commissioner notified the nature of his decision upon the case which was an award in favour of the Company of all the land described in the chart which was exhibited (excepting some reserves which were specified) lying between Ngamotu on the South and Te Taniwa on the North.

When I interpreted Mr Spain's decisions considerable excitement was at first manifested among the natives who strongly objected to it but this ebullition of feeling subsided, and they refrained from all other expressions of discontent, excepting signifying their intention of appealing to His Excellency.

On the 21st the 'Victoria' arrived and Mr Spain accompanied by Colonel Wakefield and Mr Clarke embarked and about 4 p.m. the Brig again made sail. I according to orders received by the Brig resumed my journey Northward and arrived at Auckland on the 8th instant having left New Plymouth on the 24th ultimo.

On my way homeward staying a short period at Marakopa the natives applied to me for advice respecting a movement they contemplated making Southward they said that they had long been hoping to see Europeans located at Kawhia or some other adjacent place, that the late Governor had intimated that he would take steps to comply with their wishes in this respect but that having waited so long without "Pakehas" coming to them they had determined to remove near the "Pakehas". I asked them the intended place of their emigration, they said a place called "Urenui" which is about 40 miles northward of New Plymouth.

I strongly advised them to relinquish the idea of removing from their homes fearing lest they might embroil themselves with their old foes the Ngamotu natives. Their reply was "we must have 'Pakehas' you have located Europeans at the north, at the south, and in the centre of the Island, we are far distant from each settlement, and are compelled to drive our pigs over mountains and rivers to procure purchasers. We can do this no longer. Therefore if Europeans will not come to us we must go to them." I said rather than go from your homes why not meet together and ascertain if this desire for European

settlers is universal amongst your Chief men. If it is make known your wishes to the Governor who I doubt not will do all he can to meet your wishes provided you are unanimous but you must not represent the wishes of one or two Chiefs, to be those of the many who have an interest in the District. They appeared to approve of this suggestion and signified their intention of acting upon it.

Herewith I beg to enclose an account of my travelling expences [signed] Thomas S. Forsaith.

1844 Jul 12 George Clarke, Chief Protector of Aborigines, Protector's Office, Auckland to the Colonial Secretary

Sir, I do myself the honor to forward the enclosed copy of Mr Protector Forsaith's report of his proceedings connected with Mr Commissioner Spain subsequent to His Excellency's return from the south for the information of His Excellency the Governor.

This report is dated 08 Apr 1844 and appears above
