

Wai 27 Document #J-47.

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FRENCH LAND PURCHASES FROM KAI TAHU

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Introduction

My name is Peter John Tremewan. I am a Senior Lecturer in French at the University of Canterbury. For the last five years, my students and I have been researching the French attempt to annex and colonise the South Island of New Zealand in 1840 and have assembled a large number of new documents on the subject.

I propose to indicate the main sources of my information, before giving a brief outline of the main events that relate to French land purchases from Kai Tahu. I propose to supply the tribunal with a much more detailed submission at a later date.

Sources

Relevant British Colonial Office and Foreign Office records (CO 208, 209; FO 27) and French Naval and Colonial Ministry records (particularly Marine BB4 1010-1012) are readily available on microfilm at the Turnbull Library and/or the National Archives in Wellington. The regular reports of the Akaroa Magistrate throughout the 1840s are to be found in the National Archives in the Internal Affairs and New Munster files.

The Alexander Turnbull Library has, over the last few years, kindly paid for further extensive microfilming of French archival documents relating to French colonisation of the South Island, and these, including Captain Lavaud's Papers and some French Foreign Ministry papers, are now available at the Turnbull Library and the University of Canterbury Library. For the moment, some documents, including some Nanto-Bordelaise Company records, are available only in my transcriptions; although the Turnbull Library is negotiating to acquire a microfilm copy of the originals, which are in private hands.

Some of the documents which my students prepared as assignments for a course on this subject appear as supporting papers for the evidence of Harry Charles Evison: Wai-27 Document #G2, pp.2-293. We have produced other typed documents which are available for consultation in the French Department, University of Canterbury. These include bibliographies and inventories, as well as annotated transcriptions and translations. Lavaud's General Report has been published by the French Department, and I have published some articles, under the general title of "French Eye-

Witness Accounts of Banks Peninsula Maoris" in Te Karanga, the journal of the Canterbury Maori Studies Association.

A wider range of documents is available now than when the three main studies of the French attempt to colonise the South Island were published: Buick, The French at Akaroa (1928), Faivre, L'Expansion française dans le Pacifique de 1800 à 1842 (1953), Hight and Straubel, A History of Canterbury, vol. I (1957). All three books are reliable analyses of the documents at their disposal. I am currently writing a new study of the question, of which six chapters are completed.

Outline of events

The main steps in the French attempts to purchase Kai Tahu land were as follows:

1. **Deed 1.**¹ A French whaling captain, Langlois, obtained the moko of some Port Cooper Maori on a document dated 2 August 1838 purporting to sell Banks Peninsula to him for 1000 francs (£40), of which 150 francs were paid in goods as a deposit, the rest to be paid on taking up possession.
2. Langlois sold his rights to the peninsula to a group of French businessmen in a series of agreements that were constantly revised between November 1839 and February 1840. The definitive document was signed on 20 February 1840 and officially registered by a notary on 13 May 1844.² Langlois retained a significant share in the company.
3. **Oral Agreement 1.** On returning to New Zealand with about sixty colonists, Langlois held discussions with Maori called to a meeting at Pigeon Bay. These negotiations were held from 10 to 14 August 1840, and were attended by leading chiefs from Port Cooper and some too from Akaroa.³ At this point, Langlois was unaware that British sovereignty had been proclaimed over New Zealand, but two of the Maori chiefs present, Iwikau and Tikao, had signed the Treaty of Waitangi.

As a result of oral agreements and the payment in goods of substantially more than the 850 francs balance payable according to the 1838 deed,

¹WArc: G1/13; CO 209/40, ff.295-296; Lavaud, "Yoyage et essai de colonisation à l'île du sud de la Nouvelle-Zélande", Service Historique de la Marine, Paris: GG2 50/3 (o), pp.7-8.

²CO 208/58, 1848/1088, ff.300-303; Copies des traités Langlois avec la Compagnie du 8 novembre 1839, Archives de La Grave: liasse 370, folder A2.

³Belligny to Decazes, 22 Aug. 1840; Belligny to the Nanto-Bordelaise Company, 2 Sept. 1840 (Archives de La Grave, liasses 369-371, folder D19).

some Maori agreed to place their moko on a number of loose blank sheets of paper which Langlois then took to Akaroa.¹ Two deeds were also drawn up. Whether these deeds reflected the oral agreements is open to question.

4. **Deed 2.**² One deed, dated 11 August 1840, confirmed the 1838 deed and gave immediate possession of Banks Peninsula in return for a greatly increased but unspecified sum. A charter formed part of the deed and guaranteed land to the Maori and gave them the rights and responsibilities of French citizens.

5. **Deed 3.**³ The other deed, dated 12 August 1840, purported to sell for goods to the value of 120,000 francs (£4800) all the land in Canterbury and the West Coast to which the Maori present had some claim, from Kaikoura in the north to Tewahiatā in the south. 8000 francs (£320) was to be paid in Akaroa, the rest in instalments over ten years. The document also ceded sovereignty rights. The Maori were again guaranteed at least ten acres each near a French settlement. The Maori acknowledged receipt of a specified list of goods at Akaroa on 24 August, where the deed was also witnessed by members of Langlois's crew.

6. **Oral Agreement 2.** Further discussions between Langlois and some Banks Peninsula Maori were held in Akaroa at some time between 16 and 24 August 1840. Father Comte, a French missionary who had learnt Maori while working in the Hokianga, acted as interpreter.⁴

7. **Deed 4.**⁵ Lavaud, the naval captain sent to Akaroa to oversee the establishment of a French colony, was astounded to find that the 1838 deed was not signed by the Akaroa Maori. He told Langlois to get as many signatures as possible on a new back-dated land deed so that the British authorities would think that all the Banks Peninsula Maori had been party

¹Belligny to the Nanto-Bordelaise Company, 2 Sept. 1840 (Archives de La Grave, liasses 369-371, folder D19); Lavaud to the Nanto-Bordelaise Co., 3 Sept. 1840 (Archives de La Grave, liasse 369, folder D7).

²Enclosed with Lavaud's despatch of 5 January 1842, Archives Nationales, Paris: Marine BB4 1011; Enclosure no. 2, with Lord Stanley's despatch to George Grey, 7 July 1845 (WArc: G1/13); CD 209/41, ff. 438-441.

³Enclosed with Lavaud's despatch of 5 January 1842 (Archives Nationales, Paris: Marine BB4 1011); Enclosure no. 3, with Lord Stanley's despatch to George Grey, 7 July 1845 (WArc: G1/13); CD 209/41, ff. 442-447.

⁴Father Tripe to Father Colin, 23 Nov. 1840 (Generaliste Archives of the Society of Mary, Rome: microfilm copy, WTu: micro ms 669, reel 12).

⁵BPP, NZ 2, 1844 (556) App. 438-439; Buick, *The French at Akaroa* (1928), 11-14; *Akaroa and Banks Peninsula 1840-1940* (1940), 184-187.

to the 1838 sale. Langlois did this some time between 26 August and 2 September 1840 on board the Comte de Paris in Lavaud's presence.¹

8. On 17 February 1841, the French government approached the British government about the status of the land titles of French nationals in New Zealand, and was told that their claims would be looked into carefully.² On 5 November 1841, Governor Hobson recommended to the British government that the Nanto-Bordelaise Company should be treated on the same basis as the New Zealand Company. He reported that he had promised Belligny orally that he would grant the company 50,000 acres in the extreme north of New Zealand if the British government agreed to this procedure and recognised their claim.³ In July 1842, Lord Stanley agreed to Hobson's proposal and said that the French company should be invited to prove its claims.⁴ It was made explicit that the Nanto-Bordelaise Company would therefore receive a grant of land in proportion to their total expenses and not to the amount paid the Maori. The Colonial Secretary in Auckland wrote to Belligny on 12 April 1843, advising him of this decision.

9. In August 1843, Land Commissioner Godfrey went to Akaroa to hear land claims, including that of the Nanto-Bordelaise Company. The French claim was for "all Banks' Peninsula, in the Middle Island of New Zealand, with the exception of the Bay of Hikoraki, Oihoa on the south, and Sandy Beach, north of Port Cooper, on the north, the boundaries. The supposed contents 30,000 acres." He was given Deed 4, but not Deeds 1, 2 and 3. Iwikau, Tuauau, Tikao, Parure, Nga Mana and other Banks Peninsula Maori stated that they had sold portions of Pigeon Bay, Port Levy, Port Cooper and Akaroa to the French in 1840. They had promised to sell more of Banks Peninsula to them, but had not received the money promised for it. Godfrey reported the facts of the case, without coming to any conclusion about whether a Crown Grant should be issued or not.⁵ During the hearing, Godfrey told Belligny that, because the final purchase payment was made after the declaration of British sovereignty, the purchase would be

¹Belligny to the Nanto-Bordelaise Company, 2 Sept. 1840 (Archives de La Grave, liasses 369-371, folder D19); Lavaud to the Nanto-Bordelaise Co., 3 Sept. 1840 (Archives de La Grave, liasse 369, folder D7); Langlois to L. Maillères, 16 Nov. 1844 (Archives de La Grave, liasse 369).

²J. Backhouse to J. Stephen, 26 Feb. 1841 (FO 27/639); J. Stephen to J. Backhouse, 9 March 1841 (FO 27/640).

³Hobson to Lord Stanley, 5 Nov. 1841, no. 41/24 (FO 27/661).

⁴G. Hope to H. Addington, 14 July 1842; Elliot and Villiers to J. Stephen, 24 June 1842; Backhouse to Stephen, 30 July 1842 (FO 27/661).

⁵BPP, NZ 2 1844 (556) App. 433-439.

regarded as invalid if the buyer were treated as an individual and not as a company.¹

10. Immediately after Godfrey's departure, Belligny, apparently accepting the Maori view of what had been sold and not sold and acting on the advice of Edward Shortland as to the best way to finalise his land purchases, decided that he had to pay the Maori urgently for the whole of Akaroa and Pigeon Bay. Captain Bérard agreed to buy goods to the value of 3000 to 3500 francs at Sydney. In fact, Bérard paid 6000 francs (£240) for the goods.² Belligny delayed paying this to the Maori, as he was hoping that the payment could be made in the Governor's presence. On 4 March 1845, Belligny paid the Port Levy, Port Cooper and Pigeon Bay Maori for the northern half of the peninsula. After holding out for cash, the Akaroa Maori accepted payment in goods for the southern half of Banks Peninsula on 31 March 1845. Akaloa, Te Ruaparae and Mautai refused to be party to this sale. They worked for Rhodes and did not think his land rights were being honoured. According to Captain Bérard, the value of the goods given for the northern half of the peninsula was 15,000 francs (£600) and for the southern half 23,000 francs (£920).³

11. In July 1844, a representative of the Nanto-Bordelaise Company, Maillères, met Lord Stanley in London.⁴ In October 1844, he presented to the Colonial Land and Emigration Office copies of land deeds and a statement of expenses, with receipts, amounting to 916,726 francs or £35,950. The Colonial Office agreed that expenditure of £10,542 was proven by the documents supplied, a figure eventually increased to £11,685.⁵ (At 5 shillings per acre, this would allow a grant of 46,740 acres.) In June 1845, Maillères returned to London with the original land

¹ Belligny to Joly, 15 Aug. 1843 (Archives de La Grave, liasses 369-371, folder D19).

² Belligny to Joly, 10 Oct. 1843; 28 Feb. 1844 (Archives de La Grave, liasses 369-371, folder D19).

³ C.B. Robinson to The Superintendent, Wellington, 13 March 1845; 31 March 1845 (WArc: NM 8 1845/131 and 162); Bérard to French Minister of the Navy and Colonies, 4 April 1845 (Archives Nationales, Paris: Marine BB4 1011). The papers signed on this occasion seem to have disappeared, and may have perished in the fire that destroyed so many Maori Affairs papers. A map drawn up by Belligny to indicate the boundaries of the sale of the northern half of the peninsula, with an accompanying letter from Belligny to Robinson dated 2 April 1845, can be found in WArc: NM 8 1845/182-183, filed with 1849/870. Belligny's letter for the Governor is not filed with them.

⁴ G. Maillères to Colonial Land and Emigration Office, 25 Oct. 1844 (CO 209/40, ff.207-212).

⁵ A. Wood to J. Stephen, 8 Nov. 1844 (CO 209/40, ff.213-220); Schedule of documents exhibited by Mr Maillères to the Colonial Land and Emigration Commissioners (CO 209/40, ff.221-223); Statement of the Amount claimed to have been expended by the Nanto-Bordelaise Company in the Colonization of New Zealand... (CO 209/40, f. 229); Lord Stanley to George Grey, 7 July 1845 (WArc: G1/13).

deeds, which he gave to the Colonial Land and Emigration Office.¹ The British Colonial Office now had copies of Deeds 1, 2 and 3

These were given to Godfrey, who was then in London, for his examination. Godfrey's report of 2 July 1845² stated that the new documents did not change his earlier views and he repeated that the Maori of Banks Peninsula "would not admit of any sale having been made in 1838 to Captain Langlois, but they agreed to having alienated to him in August 1840 certain portions of Banks Peninsula", as stated in his 1843 report. This included about 400 acres at Akaroa and an unknown amount of land at Pigeon Bay, Port Cooper and Port Levy.

It was thus proved to the British Colonial Office that the Maori of Banks Peninsula recognised selling some hundreds, if not thousands, of acres to the Nanto-Bordelaise Company, albeit in 1840 rather than in 1838, and that the company had spent at least £11,685 on their colonising venture.

On 7 July 1845, Lord Stanley wrote to George Grey,³ saying that the French company had proved expenditure "which, at four acres to every pound sterling, would represent more than the whole quantity alleged to be the property of the company". He therefore instructed him to issue a Crown Grant for 30,000 acres, making similar arrangements with the Maori as the New Zealand Company had done at Port Nicholson. Grey was to waive the Crown's pre-emptive rights and arrange for the Nanto-Bordelaise Company to purchase directly from the Maori that part of the 30,000 acres which the Maori did not admit to having already sold to them.

12. On 16 February 1849, agreement is reached in principle that the Nanto-Bordelaise Company's land on Banks Peninsula be sold to the New Zealand Company. A provisional indenture was signed on 24 February. The sale is completed on 30 June 1849.

¹Maillères to Lord Stanley, 10 June 1845 (CO 209/41, ff. 434-435).

²CO 209/41, ff.286-291.

³Lord Stanley to George Grey, 7 July 1845 (WArc: G1/13).