

nothing would do more to reconcile Te Whiti and the better part of the Maori people around him to the settlement of the country, than the certainty that the advancing wave of civilization would not bring along with it what has proved to be the curse and destruction of all aboriginal races which it has reached. At present the evil is intensified to the last degree by the poisonous adulteration of the liquor specially provided for the consumption of the Natives. But were it otherwise, the very "best brands" have potency sufficient to destroy the race, when subjected to temptations which they are powerless to resist. No more sickening sight can be seen, nor one more shameful to ourselves, than a crowd of Maoris of both sexes filling the purlieus of a publichouse in a state of wild intoxication. Such scenes are most often to be witnessed (even in considerable European towns) in the very presence of Government officials, on occasions of the distribution of purchase-money for land, or the sittings of some Court. And though often enacted under the immediate eye of Resident Magistrates, Justices of the Peace, and large bodies of police, they are in too many cases allowed to go unchecked, while the sellers of drink who have infringed the law go altogether unpunished. We were not much brought into contact with such scenes ourselves, because of the discouragement and warnings we gave to the Natives and to the publicans. On one occasion at Patea we had to adjourn our sitting, when the Natives confessed they had had too much drink; but with the aid of the Resident Magistrate, and by remonstrance with the publicans, recurrence of the evil was prevented.

1879.

Report of
Mr. Woon, R.M.,
23th May, 1878.
P. P. 1878.
G.-1, p. 13.

X.—THE AWARDS OF THE COMPENSATION COURT.

We now turn to the question of the Compensation Awards: and it would be hard, we think, to match the tangle into which what ought to have been a simple matter has been allowed to get.

1866.

The original Confiscating Act of 1863 intended that where the land of loyal Natives was taken, compensation should be paid in money only; and a Court was set up to assess what had to be paid. In 1864 the Governor was empowered to increase any sum assessed by the Court, or to give compensation if the Court refused it. In 1865 the law was further amended so as to let compensation be given wholly or partly in land instead of money, the Government electing which they would do before the award was made. The year after, this last restriction was removed, and the Government might elect, either before or after award, whether to give money, or land, or both.

"New Zealand
Settlements Act,
1863."

First amending
Act of 1864.

Second amending
Act of 1865 and
1866.

At the first sittings at New Plymouth in June 1866, the Court laid down three rules. First, the 14th January 1840 (the date of proclaiming the Queen's sovereignty) was fixed as the time at which the title of the Natives was to be regarded as settled. Secondly, "finding it impossible to appraise the value of the chiefs on the loyal side or rebel side," the Court decided that "each man on each side was of the same value, and had an equal estate." Thirdly, all claimants who since 1840 had not resided on their land, were absolutely excluded unless their title had been allowed by the Government. In this way 908 loyal claimants were shut out for non-possession or insufficient occupation. The Crown Agent argued that "the Government was not bound by the acts or promises of its predecessors," a doctrine which was promptly repressed by the Court. When the Court sat at Whanganui in the following December, this rule of exclusion was reversed; but absentees were only let in on a fantastic scheme. The Court decided that "the interest of a loyal absentee was to bear the same proportion to the interest of a loyal resident, as the number of loyal residents bore to the number of resident rebels." What a loyal Native's right under the statute had to do with the number of the rebels, is hard to see: the effect, however, of this queer equation was that as there were only 40 loyal residents to 957 rebels, the loyal resident got 400 acres, while the absentee got 16. No wonder that the way this operated upon the chiefs failed to elicit their assent. Nothing, for instance, could be more grotesque than a solemn judgment by which the warrior Whanganui chief Mete Kingi Paetahi, who had fought many a battle by our side, was to have 16 acres in "extinguishment" of his tribal rights; especially as it was carefully provided (lest such munificence should be too much for him) that only 5 acres of it should be open land, and the other 11 acres be somewhere in the bush.

Judgments of the
Compensation
Court: P. P.
1866, A.-13.

Pamphlet, by
authority, 1879.

Judge Smith,
New Zealand
Gazette, 1867,
p. 190.