

	Acres.	1866.
Division VIII. Stoney River to Waiweranui	... 1,675	
Division IX. Waiweranui to Te Hoe	... 1,250	
Division X. Te Hoe to Omuturangi	... 8,275	
Division XI. Omuturangi to Kaupukunui	... 800	
	————— 12,000	

This amount is nearly the same as we estimated in our Interim Report: but there are even greater difficulties here than in the case of the awards north of Waitara. The greater part of these southern awards are exercisable in the blocks given back in 1866 to the Ngamahanga and Ngatihaumiti *hapus* of the Taranaki tribe, to which we shall refer presently. A serious question now arises whether the rights of individual Natives under the awards have merged in the restoration of the blocks to the tribe. The late Civil Commissioner thought they merged: Chief Judge Fenton is of opinion they did not. We, for our part, concur with Mr. Fenton. Can a mere executive act of the Government in giving back a block of the confiscated land to a tribe, have the effect of annulling rights created by formal awards of an earlier date? If the awards did not merge, is the Crown still bound in good faith to make them good? If the tribe objects that as the block was given back in its entirety and in tribal tenure, separate holdings there by individuals of the tribe are inadmissible, must the Crown find land to satisfy the awards elsewhere? If the Native who was “loyal” in 1866 when he got his award joined the insurrection of 1868, did he forfeit his award? To let the tribe have the whole block, and then provide other land for the individual rights, is to pay twice over: to tell a Native who has remained loyal for fifteen years that his right has merged back again into the tribal tenure, and that he must go to the tribe for the land which the law gave him, is to send him back to barbarism as the reward of his loyalty.

From what we have said, we think Your Excellency will see why we find it impossible to propose any way of settling this question of the compensation awards which can be made to apply fairly to all alike. We believe that the majority of the holders of the awards would prefer that their claims should merge in the tribal tenure; but there will certainly be a number of claimants who will continue to demand the fulfilment of their awards. In any settlement of the question it will be unavoidable to give discretionary power to those who are to settle it, and get rid of this long-standing scandal and reproach. Adding together the awards outstanding to the north of Waitara and those south of Stoney River, the total area of land which has to be dealt with is rather more than 27,000 acres. If Your Excellency commands us to settle the question, we have no doubt of being able to do so for much within that quantity. A large part will probably continue, with the assent of the Natives, to be held tribally as it is now; but provision ought to be made enabling that promise of the Crown to be fulfilled, which gave to every loyal Native the hope of living on his own land under a Crown grant.

XI.—THE GOVERNMENT AWARDS.

When the non-resident Natives heard that they were excluded by the Court, they threatened to return at once to Taranaki in order to maintain their rights. This promised a new and dangerous complication, and the Government were compelled to take the matter up.

In September 1867, a meeting of the absentees took place at Wellington, when Mr. Richmond, Native Minister in Sir Edward Stafford's Administration, drew up a scheme for admitting them to compensation on the same scale as the Whanganui judgment had fixed. This scheme, with the minute of Governor Sir George Grey upon it, will be found in the Appendix.

Sir George Grey told his Ministers that he had made a promise to “those Natives who obeyed his orders and did not go to Taranaki, that they should in any future settlement have their claims adjusted upon at least as favourable a footing as those who, by going to Taranaki, had greatly increased the embarrassments and difficulties of the Government;” and he would only “acquiesce in any arrangement by his Ministers if he understood from them that they had considered and

Papers respecting Absentees; Appendix C. No. 1. Sir G. Grey's Minute, September 1867; Appendix C. No. 1.