

In this case, as far as we can gather, about 440,000 acres in all were taken from the Whakatane and the Opotiki Natives. The latter are the Whakatohea Tribe. In the first Proclamation about 87,000 acres, as we understand it, belonging to the Arawa Tribe, were erroneously included, and were restored to them; and about 40,832 acres at the eastern end were abandoned. This left about 312,168 acres, out of which 3,832 acres were absorbed by old land claims, leaving 308,336 acres. From the information supplied us we have reason to believe that the area taken within Whakatohea Block was 173,000 acres, or about half their total possessions, and all the flat and useful land. Out of both blocks there was required for the military settlers an area of 23,461 acres, and apparently 201,213 acres, including 96,261 acres awarded to loyal Natives, were returned to Natives. As far as we can learn, only the Opape Block, 20,326 acres according to survey, and about 2,000 acres of other lands, or 22,000-odd acres in all, were returned to Whakatohea. The consequence is that, after various sales to the Crown, the Whakatohea have, including the land returned to them, a total area of 35,449 acres. The Government is not, of course, responsible for the sales, but the land sold was the inland portion of the land left, and which was not so useful to the Natives as the former settlements from which they had been removed to Opape.

Colonel
St. John's
report, 1872,
G.-4, p. 5.

Stout-Ngata,
1908, G.-1M,
p. 1.

Judging by later events it would appear that, as far as Whakatohea was concerned, the confiscation of such a large area came very close to that punishment or retaliation that in 1864 the Government avowed was not its principal object. The strong feeling at the time may be gathered from Mr. Stafford's speech in the House on the 19th August, 1868: "The honourable member possibly alluded to the confiscation of from 400,000 to 500,000 acres. He was prepared to say, if there ever was a confiscation which was deserved, it was that at Opotiki. If there were ever atrocities unprovoked and utterly wanton and diabolical in their character, they were to be found in connection with the murders of Mr. Volkner and Mr. Fulloon, which led to the confiscation. Those atrocities were committed upon unoffending men by a people whose lands had never been invaded, who had been left in peace, and against whom no threat had been held out. They were committed without the slightest provocation, by persons amongst whom Mr. Volkner had lived peacefully for a series of years, labouring solely for the benefit of the very people by whom he was barbarously murdered. If those acts did not call for confiscation, how could previous confiscations be justified?"

1864, E.-1,
p. 20.

Hansard,
1868, Vol. 2,
p. 521.

It would seem to us that righteous indignation at a very diabolical murder partly swayed the judgment of those who advised and authorized the confiscation of such a large area. The punishment of the actual perpetrators was an after-event, and could not have been taken into account in assessing the amount of land that should be confiscated. Nor, apparently, was the fact sufficiently considered that the arch-criminal was of another tribe altogether. No doubt the Whakatohea Tribe was carried away by fanaticism, and was equally responsible.

In our opinion the fact that punishment was inflicted on the Whakatohea by a punitive expedition in 1865, and that the actual offenders were captured and dealt with according to the civil law, should have had some effect in lightening the punishment that was imposed on the tribe by confiscating so much of their land. But as a fact the lands were actually cut up and partly sold and dealt with before the principal offender (Kereopa) was brought to justice. We have not sufficient material before us to say what would have been a fair and just area to confiscate, nor do we think it wise for us to go into that question. We have no hesitation, however, in affirming that, judged by the light of subsequent events, the penalty paid by the Whakatohea Tribe, great as was their offence, was heavier than their deserts.

SOUTH ISLAND CLAIMS.—KEMP'S PURCHASE.

This is a matter which arises out of a transaction entered into some seventy-two years ago.

In the year 1848 the New Zealand Company was anxious to form a settlement on that part of the east coast of the South (or, as it was then known,