

main purposes of the Act; but it is impossible, we think, to limit its operation to that one purpose. Section 3 authorized the Governor to set apart in any proclaimed district eligible sites for settlements by colonization, and this power was not limited in terms to colonization by any particular class of settlers. Section 16 provided for laying-out of towns and farms to give effect to the contracts for the granting of land for military services. Section 17 provided that, after setting apart sufficient land for all the persons entitled thereto under the said contracts, it should be lawful for the Governor in Council to cause towns to be surveyed and laid out, and also suburban and rural allotments. This section, read with section 3, makes it clear that the scope of the Act was not limited in the way suggested by Mr. Smith, and that the Governor had power to set apart lands in the district for occupation by other than military settlers.

32. There was considerable discussion between the Governor and his Ministers before the confiscations were finally settled. In their memorandum of the 19th November, 1864, the Ministers criticized the Governor's first plan of proposed confiscation. They pointed out that the chiefs of Waitako who had been principally engaged in the rebellion were the Nagtimaniapotos, under Rewi, and the Ngatihaua, Ngatimehutia, &c., residing mainly in the southern portions of Waikato; yet not an acre of their country was proposed to be taken. "His Excellency," said the Ministers, "reverses the instructions of Mr. Cardwell and the dictates of natural justice, and would punish much those who are not guilty, and leave unpunished those who are guilty in the highest degree." This plan was afterwards modified, but the confiscation as finally effected did allow the Ngatimaniapotos to escape without any loss of territory, and made the Waikatos the chief sufferers.

33. Part of the confiscated lands included the Mangere Block, containing about 1,300 acres; the Ihumatu Block, containing 1,100 acres; and the Pukaki Block, containing about 1,300 acres. The history of the Natives occupying these blocks is given by Sir John Gorst in his book, "The Maori King," and we quote the following passages from it: "There were several Maori villages near Auckland—viz., Mangere, Pukaki, Ihumatao, and others—inhabited by relations of the Waikato tribes. A large proportion of these people were old and infirm . . . Yet our arrangements for governing Native settlements, even close to our own doors, were so defective that the instant war broke out we found it dangerous, though we had ten thousand men in the field, to allow these poor creatures to remain in their homes. Twenty Maori policemen could have quelled the whole of them even if in actual revolt, but the Government had not a single Maori policeman upon whose obedience they could depend. It was therefore resolved to drive these poor men and women from their homes and confiscate their lands. There was no difficulty in finding a pretext. They were Maoris, and relatives of Potatau. Underlings of the Native Office were despatched in haste to call upon them to give up their weapons and take the oath of allegiance to the Queen, or, in default, to retire beyond Maungatawhiri under pain of ejection. The first Native to whom this cruel decree was made known was Tamati Ngapora, the uncle of the Maori King. . . . Tamati and the other Mangere Natives quite understood the alternatives. They must submit to what they regarded as an ignominious test, or lose the whole of their property. And yet, to their honour be it said, they did not hesitate for a moment. They all thanked the pakeha for this last act of kindness in giving them timely warning of the evil that was to come upon Waikato, and an opportunity of themselves escaping; but they could not forget that they were part of the Waikato, and they must go and die with their fathers and friends. . . . The same answer was returned at Pukaki and Ihumatao. Only one or two at each place accepted the test and stayed behind. The fugitives were, of course, unable to carry all their goods with them. What remained behind was looted by the colonial forces and the neighbouring settlers. Canoes were broken to pieces and burnt, cattle seized, houses ransacked, and horses brought to Auckland and sold by the spoilers in the public market. Such robbery was, of course, unsanctioned by the Government, but the authorities were unable to check the greediness of the settlers." Sir John Gorst then describes how two of the chiefs, Ihaka and Mohi, with their women, children, and young men, took refuge at a small Native village called Kirikiri, and stopped there.