

The Government, said Sir John Gorst, were at this time becoming rather ashamed of having inflicted so much suffering on these innocent old people, and wished to get them away to the Waikato with all possible speed and humanity. Mr. F. D. Bell, the Colonial Minister for Native Affairs, was therefore specially sent out by Sir George Grey to visit Kirikiri and ascertain the real state of affairs, to supply the Natives with food, if needed, and to make the best arrangement he could for getting them away from their dangerous vicinity to the outlying European villages. Mr. Bell, accompanied by Mr. Gorst, visited Kirikiri and interviewed the Natives. A long account is given of the interview, but it is not necessary to quote it. This interview was on the 13th July, 1863, the day after the Maungatawhiri was crossed by General Cameron. "At ten o'clock that night," continues Sir John Gorst, "a telegraphic despatch was received at Drury from the Governor, ordering the troops to take the whole of the party at Kirikiri prisoners. A detachment was accordingly told off, who marched to the village, captured Ihaka, the sick chief, and all the infirm men, with the women and children; and in some manner, never accounted for, allowed Mohi, the sound chief, with all his able-bodied followers, to slip through their fingers. Mohi, thus relieved of his encumbrances and of all ground for forbearance, immediately commenced hostilities."

34. The accuracy of Sir John Gorst's account of the transaction has not been questioned in any way. If it be accepted as correct, as we think it ought to be, then it is clear that a grave injustice was done to the Natives in question by forcing them into the position of rebels, and afterwards confiscating their lands. In the circumstances only a nominal confiscation, if any, should have been made. Of the 1,300 acres confiscated at Mangere, 1,205 acres were restored to the Natives, leaving an area of 95 acres as finally confiscated. Of the 1,100 acres confiscated at Ihumatu, 260 acres were restored to the Natives, leaving an area of 840 acres as finally confiscated. Of the 1,300 acres confiscated at Pukaki, 270 acres were restored to the Natives, leaving an area of 1,030 acres as finally confiscated.

35. Returning to the subject of the general confiscation, we find from the statement prepared by Mr. Darby, of the Lands Department at Auckland, that the total area originally confiscated was 1,202,172 acres. Of this an area of 314,364 acres has been returned to the Natives, leaving a balance of 887,808 acres as finally confiscated. From this has to be deducted an area of 13,947 acres now being inquired into by the Native Land Court under the authority of section 6 of the Native Land Amendment and Native Claims Adjustment Act, 1922. A further deduction would have to be made also to represent the sum of £22,987 which has been paid to the Natives as compensation. Mr. Smith, in the course of his argument, stated the position on a monetary basis, taking the land as being worth 10s. per acre. That gave £420,917 as the value of the land which has been finally confiscated, subject to a deduction in respect of the 13,947 acres still before the Native Land Court as already mentioned. Mr. Smith contended that there should not have been any confiscation in the Waikato at all. We are unable, as we have said, to accept that view of the matter, but we think that, in view of all the circumstances to which we have referred, the confiscation was excessive, and particularly so in the case of the Mangere, Ihumatu, and Pukaki Natives. Mr. Smith suggested that, if any confiscation was justified, it should have been limited to the land required for military settlement. This, on the monetary basis already suggested, would mean a deduction of £62,251 from the £420,917, leaving a balance of £358,666, according to Mr. Smith's contention, as the value of the land unjustly confiscated.

36. We are not prepared to accept this as the basis on which the confiscations should be judged, and our recommendation is that the excessive confiscation should be compensated for by making a yearly payment of £3,000, to be applied by a Board for the benefit of the Natives of the tribes whose lands were confiscated.

TAURANGA CONFISCATIONS.

37. We have to consider now the Tauranga confiscations. Before, however, doing that, it is necessary to deal with the claim made by Hautapu Wharehira and

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