

loyal persons who had received but little before, on account of their lands being within the military settlement block of 50,000 acres, although they had but very small right to land otherwise within the Katikati and Puna Blocks. We also proposed to the ex-rebel party who owned the greater part of the purchased blocks that they should adjust the matter by giving a large share of the consideration-money to the loyal claimants. Neither party, however, cared much for this proposition, and it was negatived at the time by then, though I believe that in the apportionment of the £3,000 instalment recently paid to them they behaved liberally to the loyal claimants." Mr. Mackay continued by saying that all claims received by him for land taken at Tauranga had been settled, with one exception. Later in the letter he said that he held a meeting of the tribe on the 15th July, 1867. The meeting lasted two days, and was attended by loyal and ex-rebel Natives. There was a question as to the abandonment by the Government of two islands in Tauranga Harbour. The meeting was convened, said Mr. Mackay, in order to test the views of the Ngaiterangi Tribe on this subject, "and also to ascertain whether any further claims for compensation were likely to be made by the loyal portion of the people for any of their lands taken within the military settlements block." Mr. Mackay does not say whether or not he received any further claims, but, in view of his earlier statement that he had settled all claims received, it is reasonable to conclude that he did not receive any further claims at or shortly after this meeting.

46. In the year 1886 Mr. Brabant compiled a return showing how the titles to the lands returned to the Ngaiterangi Tribe under the Acts of 1867 and 1868 had been dealt with by the Commissioners appointed under those Acts. That shows that 210 blocks, with a gross area of 136,191 acres, had been dealt with in this way. These figures, as Mr. Brabant pointed out, are exclusive "of the large Katikati-Te Puna Government purchase, of the compensation awards to loyal Natives, and of the reserves made for surrendered rebels and of the actually confiscated block."

47. It seems clear from Mr. Mackay's letter that the claims of both loyal Natives and rebels were duly considered at the time, and an endeavour made to do justice to them all. It is not suggested that any complaint was made on the subject at the time, or, indeed, until quite recently, and in these circumstances it is reasonable to conclude that substantial justice was done to the Natives by the settlements made by the Government. We think, therefore, that the confiscation was justified and was not excessive, and that the Natives have not made out any case for the inquiry asked for by them.

BAY OF PLENTY CONFISCATIONS.

48. These confiscations were the outcome of events which followed the murder of the Rev. C. Volkner at Opotiki on the 2nd March, 1865, and the murder of James Fulloon at Whakatane on the 21st July, 1865.

49. It is true, as pointed out by Mr. Taylor, that of the tribes affected by these confiscations the Tuhoe Tribe took part in the Waikato war in 1863 and assisted in the defence of Orakau. It is true also that the Whakatohea, Ngatiawa, Ngatipokeko, and Ngatirangihouriri Tribes all sent men to join the army raised in 1864 to assist the Waikatos, which was defeated by the Arawas in April, 1864, near Lake Rotoiti. These were acts of rebellion which would have justified confiscation under the New Zealand Settlements Act, 1863; but they were forgiven by the Proclamation of the 2nd September, 1865, which declared that the war which commenced at Oakura was at an end and that the Governor would not take any more land on account of that war.

50. The murder of Mr. Volkner and the murder of Mr. Fulloon were not in themselves acts of rebellion, and if the Natives of Opotiki and Whakatane had not resisted the armed forces sent to capture the murderers there would not have been any excuse for confiscating their lands. By the Proclamation of the 4th September, 1865, published in the same *Gazette* as the Proclamation of peace, the Governor, after reciting that a military force had been employed to capture the murderers of the Rev. Mr. Volkner and of Mr. James Fulloon and his companions, proclaimed that martial law would be exercised throughout the districts of Opotiki and Whakatane.