

58. We have considered the matter carefully, and we think that, except in the case of the Whakatohea Tribe, the confiscations in the Bay of Plenty did not exceed what was fair and just. In the case of the Whakatohea Tribe it was excessive, we think, but only to a small extent, and we recommend that a yearly sum of £300 should be paid for the purpose of providing higher education for the children of members of that tribe.

QUESTION No. 2.

59. The second question to be inquired into is this: "Whether any lands included in any confiscation were of such a nature as that they should have been excluded for some special reason."

60. It was claimed that a large number of places should have been excluded, for special reasons, from the confiscated areas. One witness suggested that Mount Egmont should have been excluded, and claimed to have it made a special reserve for himself and his people. We were supplied with a long list of the places claimed in the Taranaki District, and also lists of places claimed in other districts. The Taranaki list includes five canoe-landing places, forty-five cemeteries, fifteen river and lake fishing reserves, twenty-six pas, sixty-four lamprey and eel weirs, and two pipi and mussel beds. It would be difficult, we think, to ascertain now the exact locality of many of these places. It is certain that few of them could be restored to the Natives, and that in most cases the Natives would not want them if they could get them. What, for example, would be the use of a canoe-landing-place to Natives who have not got any canoes, and who travel now in motor-cars.

61. With regard to cemeteries, the practice of the Government, Mr. Taylor said, had always been to exclude these from land offered for sale, when they were pointed out to the surveyors. That has not been done in a number of cases, and burial-places have been included in land sold to Europeans.

62. When the confiscations were made it was impossible, of course, to go into the question of excluding particular places from the area to be confiscated. They could have been dealt with afterwards when parts of the confiscated areas were being restored to the Natives. It is clear that any general attempt to restore these places now is quite out of the question. Provision is made by section 13 of the Native Land Amendment and Native Land Claims Adjustment Act, 1924, for the restoration to Natives of cemeteries on Crown land, and cases of the kind are dealt with from time to time, we understand, under this section. The practice of dealing with them under this section will continue no doubt.

QUESTION No. 3.

63. This question, as we understand it, is intended to deal with the case of Natives, belonging to a tribe or hapu whose land was properly confiscated, who, for reasons personal to themselves, did not deserve to share in the punishment thus inflicted. Our answer is that such a case was not put forward on behalf of any Native.

QUESTION No. 4.

64. This question directs an inquiry as to the provisions made for the support and maintenance of Natives excluded by section 5 of the New Zealand Settlements Act, 1863, from any right to compensation, and the inquiry is as to the provision made for each particular tribe or hapu.

65. Petition No. 7 (Bay of Plenty District) is a case of this kind, and we refer to what is said in this report on the subject of that petition. It was the only case of the kind that was brought before us, except that, in the course of this argument in connection with the Tauranga confiscations Mr. Smith claimed that certain of the rebel Natives were not given sufficient lands for their support. In connection with this claim a list of names was submitted, with a list of blocks awarded to certain members of the Pirirakau hapu, but the claim was not supported by any further evidence. The petitioners in petition No. 22 (Arawa District) claim to be descendants of loyal Natives, and allege that they are landless. We refer to what is said in this report on the subject of that petition, and of petition No. 23 (Arawa District).