

concerned. Instead, Tawatawa was allowed to speak for all, and his hearty boasting should have been itself a warning to the Commission that it was dealing only with a minor chief, who was seizing the chance to add to his name and fame. Tawatawa said, "I have been the principal objector since Governor Grey came. I never had anything to do with the sale to Polack." Yet Tawatawa was one of the signatories to the original deed of sale. Also he stated, "I hold the three groups in my hand. No other parties can claim independently of me. I am the principal, and other claims must come through me"; and more to that effect. Yet at the inquiry held in 1849 Tawatawa himself stated that the Natives (himself and others) who had sold to Polack had no right, with the exception of Pihi, whose claim only extended to the Poor Knights. Thus in 1849, shortly after the sale, Tawatawa admitted that he had no right to sell the Poor Knights, yet in 1864 he claimed that he was the principal man and entitled to speak for all the Natives concerned. Again, the evidence disclosed the fact that Tawatawa and the others had already received £40 (presumably from Thomson), which may explain why he and the others disclaimed any further right to the islands. Moreover, the Commission had no right to assume, without any real evidence in support, that the rights to the three groups of islands were in each case the same, and that the same persons were the owners of each group.

(g) It is also pointed out that the sitting of the Commission took place in 1864, at a time of great stress to Maori and pakeha alike; at a time when, as is common knowledge, a large number of the Maori people held aloof from all pakeha tribunals and refused to bring forward their claims. The Commission, moreover, sat at Auckland, and there is nothing whatever on record or in evidence to show that the Natives really interested in the Poor Knights Islands had any notice of the hearing or any opportunity to attend.

(5) The Court considers it to have been proved by evidence at the inquiry—

- (a) That Te Tatua and his people has special rights over the Poor Knights Islands in which their non-resident kinsmen of the mainland were not entitled to share:
- (b) That the descendants of Te Tatua and his people have kept their claims "warm" from the time of the massacre up till the present day by acts of ownership that were reasonable and sufficient, and quite in accord with Maori custom and thought.

*Recommendations.*—The Court begs to suggest that it be recommended to Parliament that the Natives interested be awarded substantial compensation for the loss of the Poor Knights Islands; and that the Native Land Court be authorized to decide who are the Natives entitled to such compensation, and in what shares. Should compensation be awarded, the Court expresses the hope that it will take the form of financial help or the provision of land to assist in the farming operations of the Natives interested, rather than the payment of cash. The Court also begs to recommend that something be done to meet the wishes of the Natives in respect of their burial-grounds on the islands, without interfering with the present excellent use of the islands as a bird sanctuary and scenic reserve.

As witness the seal of the Court and the hand of the Judge.

J. O. V. ACHESON, Judge.

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