

The proceedings quoted in the Commission's report are far too lengthy to be referred to in full, but extracts giving the more important evidence or findings or comments are set out below.

At page 35 of the second Report of the West Coast Commission (parliamentary paper G.-2, 1880) the Commissioners refer to the awards of the Compensation Court and say,—

We now turn to the question of the compensation awards, and it would be hard, we think, to match the tangle into which what ought to have been a simple matter has been allowed to get. At the first sittings at New Plymouth in June, 1866, the Court laid down three rules: (1.) First, the 14th January, 1840 (the date of proclaiming the Queen's sovereignty), was fixed as the time at which the title of the Natives was to be regarded as settled. (2.) Secondly, "finding it impossible to appraise the value of the chiefs on the loyal side or rebel side," the Court decided that "each man on each side was of the same value, and had an equal estate." (3.) Thirdly, all claimants who since 1840 had not resided on their land were absolutely excluded unless their title had been allowed by the Government.

In this way (says the Commission's report) 908 loyal claimants were shut out for non-possession or insufficient occupation. The Crown Agent argued that "The Government was not bound by the acts or promises of its predecessors," a doctrine which was promptly repressed by the Court.

When the Court sat at Whanganui in the following December (1866) this rule of exclusion was reversed; but absentees were only let in on a fantastic scheme. The Court decided (in the Ngatiruanui case) that "the interest of a loyal absentee was to bear the same proportion to the interest of a loyal resident as the number of loyal residents bore to the number of resident rebels." What a loyal Native's right under the statute had to do with the number of rebels is hard to see; the effect, however, of this queer equation was that, as there were only forty loyal residents to 957 rebels, the loyal resident got 400 acres, while the (loyal) absentee got 16. No wonder that the way this operated upon the chiefs failed to elicit their assent! Nothing, for instance, could be more grotesque than a solemn judgment by which the warrior Whanganui chief, Mete Kingi Paetahi, who had fought many a battle by our side, was to have 16 acres in "extinguishment" of his tribal rights; especially as it was carefully provided (lest such munificence should be too much for him) that only 5 acres of it should be open land, and the other 11 acres be somewhere in the bush.

At page 37 of the same report (Fox-Bell) the Commissioners refer to the Government awards and say,—

When the non-resident Natives heard that they were excluded by the (Compensation) Court they threatened to return at once to Taranaki in order to maintain their rights. This promised a new and dangerous complication, and the Government were compelled to take it up.

The report then refers to the meeting of absentees in 1867, and to Mr. Richmond's scheme for admitting them to compensation, and to Sir George Grey's minute. Then the report proceeds as follows:—

The end of it was that, upon a calculation being made of the quantity required to meet 755 absentee claims at 16 acres each, the Government awarded 12,200 acres to five of the tribes. Yet nothing was done to allocate the awards.

In the Third Report of the Fox-Bell Commission, at page 48 of the report (parliamentary paper G.-2 of 1880), the Commissioners mentioned in the schedule of lands which successive Governments had either actually reserved, awarded, or promised to set apart the following lands which had still to be allocated:—

Government awards:—

Probable amount for the Chatham-Islanders	..	..	..	10,000 acres.
To absentees—For Ngatitama	..	..	..	1,300 "
For Ngatimutunga	..	..	..	3,000 "
For Ngatiawa	..	..	..	2,700 "
For Puketapu	..	..	..	2,100 "
For Taranaki	..	..	..	3,100 "

It will be seen from the above that the award of 10,000 acres to the Chatham-Islanders was distinct from the 3,000 acres award to the Ngatimutunga absentees. This aspect of the case will be referred to again later.

At page 46 of the same Third Report of the Fox-Bell Commission the Commissioners draw attention to the promises contained in two Proclamations issued in 1864 and 1865, while the Maori troubles were at their height. The first Proclamation, dated 17th December, 1864, says:—

The land of those Natives who have adhered to the Queen shall be secured to them; and to those who have rebelled but who shall at once submit to the Queen's authority, portions of the land taken will be given back for themselves and their families. To all those who have remained and shall continue in peace and friendship the Governor assures the full benefit and enjoyment of their lands.

The second Proclamation, dated 2nd September, 1865, says:—

The Governor doth hereby further declare that no land of any loyal inhabitant within the said districts will be taken except so much as may be absolutely necessary for the security of the country, compensation being given for all land so taken.

The Commissioners quoted these Proclamations to show that the land of loyal Natives was to be preserved to them. There is no question but that the Ngatimutunga were a loyal hapu—this has all along been admitted by the representatives of the Crown.

It is advisable here to again refer to the award to the Chatham-Islanders, as it has been contended on behalf of the Crown that the Chatham-Islanders included a large proportion of the absentee members of the Ngatimutunga Hapu, and that special awards were made to such Chatham-Islanders in the Urenui district. The report of the Fox-Bell Commission, however, shows clearly that the award of 10,000 acres for the Chatham-Islanders was quite distinct from the award of 3,000 acres for the Ngatimutunga absentees. Page 56 of the Commission's report gives the evidence of Major Parris, showing that the main body of Chatham-Islanders arrived back in December, 1867 (*i.e.*, after Mr. Richmond had made his promises on behalf of the Government to the big gathering of Ngatimutunga absentees at Wellington in July, 1867). Major Parris estimated the total number of Chatham-Islanders at 200, including men, women, and children, and he estimated that, at the rate of 50 acres per soul, the area required for the 200 Chatham-Islanders would be 10,000 acres. The Fox-Bell Commission adopted these figures and recommended an award of 10,000 acres. Why the Chatham-Islanders (men, women, and children) were to get 50 acres each while the Ngatimutunga absentees were only to get at the rate of 16 acres each is not apparent.