

encamped on the block, and built a redoubt on it. This march upon Tataraimaka was regarded as a declaration of war, and the Taranaki Natives sent out appeals for assistance to their allies. The first shot in the second Taranaki war was fired on the 4th May, 1863, when a small party of soldiers was ambushed at the mouth of the Wairau Stream, near Oakura, on their way to New Plymouth and all but one man killed. After the issue of the Proclamation of the 11th May, 1863, the troops were withdrawn from the redoubts at Waitara, and at the same time the block-houses which held the intervening Native territory, claimed under Hapurona's treaty of peace, were silently surrendered, and the troops marched back. These acts, which if done a week earlier might have averted war, were regarded by the Native as a sign of weakness. "When Governor Grey heard his men were killed at Oakura," said a chief, "his heart misgave him, and he said, 'Now I must give up Waitara.'"

10. By a Proclamation of the 2nd September, 1865, published in the *New Zealand Gazette* of the 5th September, 1865, the Governor announced to the Natives of New Zealand that the war which commenced at Oakura was at an end. Before this, however, by an Order in Council under the New Zealand Settlements Act, 1863, published in the *New Zealand Gazette* of the 31st January, 1865, the Governor had proclaimed what was called the Middle Taranaki District as a district under that Act. By another Order in Council, made on the 2nd September, 1865, the Governor proclaimed the Ngatiawa and Ngatiruanui Districts as districts under the same Act.

11. The New Zealand Settlements Act, 1863, authorized confiscations in the case only of Natives who had been engaged in rebellion against Her Majesty's authority after the 1st January, 1863. The first Taranaki war, which arose out of the Waitara purchase, had come to an end long before that date. It was contended by Mr. Taylor, on behalf of the Crown, that as the confiscations were made on account of acts of rebellion committed after the 1st January, 1863, and not on account of any acts of rebellion committed during the first Taranaki war, the question of the justice or injustice of the Waitara purchase was entirely irrelevant to the subject-matter of the present inquiry. We are unable to accept this view of the matter. It appears to us that, in considering whether the confiscations were justified or not as punishment for acts of rebellion, it is impossible to ignore the Waitara purchase. It may be the case that an armed conflict between the two races was almost inevitable; but that might have been delayed, or perhaps avoided altogether, if the Waitara purchase had not been made and insisted on. That purchase was the cause of both the Taranaki wars, and was one, at least, of the causes of the Waikato war, and we accept the view of the transaction set forth in the following passage from Shrimpton and Mulgan's "History of New Zealand" (p. 214): "It is most necessary to the understanding of subsequent events to grasp the fact that the Waitara purchase was a blunder, and one of the kind most calculated to poison the Native mind against the white man. The Maori saw immemorial right and custom set aside in what seemed to him a flagrant injustice, and his resentment was strengthened by the strong condemnation of the purchase by Europeans in high places. The transaction has repercussions from Taranaki to the Waikato, and from the Waikato to the East Coast."

12. In connection with the subject of the Waitara purchase it is to be noted that Governor Browne in his despatch to the Duke of Newcastle of the 30th September, 1859, declared that the Europeans coveted the surplus lands of the Maori in the North Island, and were determined to enter into and possess them by fair means or foul. It is to be noted also that Mr. Parris, the Land Purchase Commissioner at New Plymouth, when writing to Bishop Selwyn on the 26th August, 1858, spoke of his (Mr. Parris's) refusal "to support or countenance dishonourable and treacherous treatment of William King and his people to exterminate them from the Waitara, in accordance with Mr. Turton's peremptory plan for the acquirement of that delightful and much-coveted district."

13. The following conclusions appear to be established in connection with the Waitara purchase:—

(a) It is clear from the facts ascertained by the Governor and the Native Minister in April, 1863, and without regard to any general question of tribal rights, that