

the private purchasers were allowed to retain were areas equivalent in value not to the prices paid, but to arbitrary prices fixed by the Crown for the purpose of computing the areas to be granted to the purchasers. We shall, of course, deal fully with the question of "surplus lands" when we report to Your Excellency on the Commission relative thereto issued to us in October, 1946, but that inquiry is necessarily a lengthy and intricate one and has not yet been completed. We merely make this present reference to the question in order to correct the erroneous statement which appears in Judge Acheson's report and which, unless corrected, might be quoted as an authoritative statement on the subject.

5. The Mokau Block, or Manginangina, or Mokau-Manginangina (as it has been indifferently called during the course of the proceedings), was ceded to the Crown by deed dated 28th January, 1859, whereby, as recited in Your Excellency's Commission to us, certain Chiefs and people of the Ngati Whiu Tribe who thereunto subscribed their names, and who on behalf of themselves, their relatives and descendants, and in consideration of the payment of the sum of £240, ceded to Her Majesty Queen Victoria the piece of land situated at Waimate North, in the Bay of Islands District, and named Mokau, the boundaries whereof were set forth in the said deed and in a map thereunto attached. The map or plan was not "attached" in the sense of being a separate paper, but, in fact, appears on the deed and forms part of one and the same document. The Commission then recites that by a notice published in the *Gazette* on the 19th August, 1863, at page 345 (which was signed by Mr. Reader Wood, who was, at the time, Colonial Treasurer) it was notified that the Native title over the land described in the said notice and therein named "Manginangina Block," being the land comprised in the said deed of cession and therein named "Mokau," had been extinguished, exclusive of a Native reserve containing 200 acres which had been stipulated for in the said deed of cession, and excepting another small portion therein mentioned. The Commission then recites as follows: "And whereas in recent times the cession of the said Mokau Block to the Crown has, by certain Maoris claiming that their forbears were entitled to interests in the said Mokau Block, been impugned or called in question upon the grounds, amongst others, that the persons who purported to cede the said Mokau Block to the Crown were not the true owners of the land, or the whole of it, and had no power to act for other owners in ceding it; that the boundaries laid down for the said Mokau Block wrongfully included an area of land known as 'Takapau'; that the purchase-price paid by the Crown for the land was inadequate; and that the deed of cession was not properly executed." What we are directed to do is to inquire and report—

- (i) Whether, due regard being had to the method generally employed throughout the North Auckland District in the conduct of transactions with the Maoris for the cession of land to the Crown at the time when the said Mokau Block was ceded to the Crown, any injustice has been or would be done to the former Maori owners of the said Mokau Block or their descendants or representatives, or any of them, in asserting and maintaining the Crown's title to the said Mokau Block as against such former Maori owners or their descendants or representatives, or any of them; and
- (ii) If it be reported that any injustice has been done or would be done as aforesaid, then to recommend whether the former Maori owners of the said Mokau Block or their descendants or