

28. We are agreed that in the case of many transactions there was an area of surplus land to which the Maori vendors would have had no right in equity and good conscience but that in a number of other transactions where there was an area of surplus land they would have had a claim in equity and good conscience to the whole or part of such area. We are agreed, too, that some compensation should be paid. We regret, however, that we are unable to agree on a recommendation as to what that sum should be—Messrs. Samuel and Reedy hold one view, the Chairman another. In these circumstances, we consider it the best course—and, indeed, the only course—that we should submit the separate memoranda which are appended to this report, stating our respective views and giving full and detailed reasons therefor.

We have the honour
to be,

Your Excellency's humble and obedient servants,

MICHAEL MYERS, Chairman.
A. M. SAMUEL, Member.
H. T. REEDY, Member.

Wellington, 18th October, 1948.

MEMORANDUM BY MESSRS. SAMUEL AND REEDY

1. The Commission unanimously agreed that the Maoris have an equity in 87,582 acres of surplus lands, but disagreed on the question of value, and it now remains for us to state our reasons for arriving at a different conclusion to that of the Chairman. But, before doing so, we feel that, as this is one of the oldest Maori claims against the Crown, we consider it essential to present a brief history of the early land transactions in New Zealand and the ceding of sovereignty to Queen Victoria under the Treaty of Waitangi.

2. The problem of "surplus lands" is a legacy inherited by the people of to-day from the early days of colonization of this country, dating back to the period when the primitive inhabitants of these islands met for the first time the full force and impact of a vigorous and more highly civilized race. The weaker people lost much through this contact, but, on the other hand, gained a great deal in other respects, for, from the degradation of anthropophagy to the attainment of Christianity, from the depths of savagery, to the acting Prime Ministership of New Zealand in the comparatively short space of less than one hundred years is an unheard of achievement in racial relationships between brown and white men.

3. The frontiers of civilization had followed in the wake of Captain Cook's ship the "Endeavour," bringing new institutions, undreamed of techniques, a new way of life, the loftiest form of religion, and the laws of England's parliamentary system to a savage, though intensely proud and high-spirited, race, still ruled by superstition and tribal custom.

4. The accumulation of these surplus lands is but a chapter in the history of the journey of the Maori tribes across the wide cultural gulf which lay between the marae of tribal custom and the Courts of British law. There was no smooth highway here, but a path littered with the differences, misunderstandings, and quarrels which culminated in ferocious battles between the two peoples.

5. The two races, however, are now living side by side as one society joined together by the bonds of precious blood shed on the field of battle against a common foe. We have reason, therefore, to feel confident that the people of New Zealand wish to have this problem finally disposed of, to enable the two races to march forward as one,