

given a grant of so much of the land as he was entitled to according to the yardstick. For various reasons, none of which need be gone into at length, it was not always expedient to give to the purchaser a title to the land that he bought—for example, the land may have been required by the Government for township or other purposes or difficulties in the way of securing the purchaser in the quiet possession of his area may have been anticipated. And so, under an arrangement which was early sanctioned, a system was adopted whereby the purchaser, his purchase having been proved to be a valid one, was granted, instead of the land or an area out of it, an order, commonly called “scrip” or a “land order,” which entitled him to select out of Crown land elsewhere land to the value of the amount stated in his order. In some cases a purchaser was given a grant for a portion of the area he was entitled to, and compensation in the shape of scrip for the balance. Before this Commission it was suggested that these “scrip” claims, as they are called, might present a difficulty in the ascertainment of any rights in equity and good conscience which the Maoris might have. The Commission has not, however, found that to be so. In all cases where the Crown assumed to itself the benefit of the contract made by the purchaser—and it should be added that there were very many instances where the Crown gave scrip or compensation and did *not*, for the reason that the land reverted to the Maoris, receive any *quid pro quo*—the Commission determined what it considered to be the Maoris’ equities by the application of the guiding principles as referred to in the foregoing paragraphs of this memorandum, and where, on the application of those principles a surplus was found to exist, the Commission proceeded further and determined to what extent the Maori vendor had a claim in equity and good conscience. In other words, the Commission dealt with these cases in the same way and on the same principles as the ordinary case of surplus where a purchaser was awarded a grant of part only of the area purchased or supposed to have been purchased.

113. To indicate in detail what the area is in each separate case in which the Commission considers the Maori vendors would have had a claim in equity and good conscience and precisely how the Commission arrives at it would unduly enlarge this memorandum and complicate issues which I have been endeavouring to simplify, and would, I think, serve no useful purpose. What is required to be ascertained is the aggregate area, and on the best consideration that the Commission was able to give to this matter it has come to the conclusion that the aggregate area of the surplus lands to the return of which the original vendors would have had a right in equity and good conscience is 87,582 acres, made up by the addition of the two areas of 71,155 and 16,427 acres previously referred to.

114. Some reference was made during the Commission’s inquiry to certain lands known as Kapowai and Puketotara, containing 2,075 and 4,644 acres respectively, and to the fact that as a consequence of the report of the Jones-Strauchon-Ormsby Commission of the 8th October, 1920, those lands, or part thereof, which it is suggested were surplus lands, were given to the Maoris. That is true, at least in part, but those were very different cases from the cases involved in this Commission’s inquiry. In those cases the basic dispute was not as to the ownership of admittedly “surplus” lands, but whether the lands in question were in fact surplus lands. The Crown contended that they were, while the Natives contended that the lands had never been sold and were still Native land. There was apparently a *bona fide* doubt, and a compromise was agreed upon by way of settlement, the substance of which seems to have been that about half the land in each case was given to the Maoris, the Crown retaining the remainder.

115. As the surplus lands in which the Commission finds that the Maori vendors would have had an equity cannot now be returned, because the greater part has been disposed of by the Crown, and those portions that remain would be unsuitable in their present state for profitable occupation, the question arises as to the compensation that should be paid. One has heard a great deal of the wrongs which the Maoris are said to have suffered in regard to the purchases of their northern lands and in regard to the