

answer was : “ I believe about 1,001.” He was then asked : “ What number of claims have already been submitted to you ? ”—to which he answered, “ One hundred and two.” He was then asked : “ Are you aware of the number of acres recommended by the Commissioners to be granted in those 102 claims ? ” He answered, “ Forty-two thousand acres. The original claims amounted to 192,000 acres. *One hundred and fifty thousand acres will consequently remain demesne lands of the Crown.*” Following almost immediately upon this meeting there was published in the *New Zealand Gazette* the Notice to Land Claimants dated the 27th September, 1842, and referred to in paragraph 44. And the fact that purchasers undoubtedly knew will appear further when I come to refer to certain statements made by Dr. Martin, who was himself a purchaser.

74. It will be seen, therefore, that the questions of surplus lands and their not being returnable to the Native vendors but constituting demesne lands of the Crown were all in mind and carefully considered from the very outset. The only reason why the questions assumed prominence by reason of Mr. Commissioner Bell's report in 1862 was that it was not until his investigation that surveys of the complete area comprised in each of the purchases were made, and the area granted to the purchaser and the area of surplus land respectively defined.

75. Nor was the position of the surplus lands lost sight of during Mr. Commissioner Bell's investigation. In a memorandum dated 15th May, 1858, in compliance with the desire of the Government, he submitted a summary of the progress made under the Land Claims Act 1856. In that memorandum he said :—

The Commission has now been in operation for eighteen months . . . I am glad also to be able to assure the Government that the predictions of disturbances being certain to occur with the Natives in carrying out the Act have proved quite groundless. So far from having the least intention of opposing the law, the Chiefs have throughout expressed great satisfaction at its existence, and have everywhere met me in the most admirable spirit. There have been a number of very complicated cases, which afforded ample opportunity for the display of a bad disposition if any had existed ; there have even been many spurious claims advanced by the younger men, because they knew it was their last chance ; and it is an honour to the Natives that (with two or three unimportant exceptions) they have in every instance peaceably and patiently stated their claims before me, and cheerfully submitted to any adverse decision. They have done more than yield a passive acquiescence in the law ; many of the Chiefs and Assessors have given me active and intelligent help, taking pains to make themselves acquainted with the principles and even details of the Act, and corresponding with me from distant places as to the settlement of boundaries and other matters. I may specially refer to their conduct with respect to the land exchanged for scrip in 1844, which they have in most cases faithfully preserved for the Government to this day, and also with respect to land formerly sold by them but not inquired into by previous Commissions, which they might easily have deceived the Government about if they had wished. *It was predicted they would resist the reversal of surplus land in claims to the Crown. So far from this* (and I have always carefully explained the effect of the law in such cases, and the grounds on which I required a survey of the whole exterior boundary of a claim as originally sold), *they have always admitted that where their title had been extinguished, any right of theirs to the land was at an end, and that they had nothing to do with the apportionment of it by law between the Crown and its subjects ;* and their position in this matter is now so well understood that whenever they wish to have back any part of the surplus land they apply for it to the Government as a matter of course. [My italics.]

76. According then to Mr. Commissioner Bell, the Natives of that day (1856–1862) had no complaint, and were satisfied with the position taken up by the Crown in regard to these surplus lands. The suggested inference is that they knew that they had sold the land and saw the justice of their not claiming the return of something that they had sold on terms which at the time of the sale were satisfactory to them. The claims that this Commission is now looking into are made by a later generation.

77. At the time of Mr. Commissioner Bell's inquiry it was the purchasers who considered that they had been wronged by the Crown in being deprived of land which they considered they had fairly and honestly bought. This aspect of the matter was referred to by Mr. Commissioner Bell in his Report of the 8th July, 1862, as follows :—

First, with respect to the Old Land Claims. The demand that was practically made last Session, and which I presume will be renewed this, was that the claimants being themselves entitled to their surplus land, the Crown had no real right to keep it. I am not going into the “ colossal argument ”