

There are other leases that have been executed by the owners of the subdivisions or lots purporting to be leased, but without the consent of all the beneficial owners in the block, namely,—

Block.			Area.			Lessee.	Approved under	Term.
			A.	R.	P.			
1D	..	..	16	0	0	T. Coates	Section 55	50 years from 18/12/07.
2A 1	..	..	46	2	26 $\frac{2}{3}$	G. S. Kent	"	42 " 1/4/08.
3D	..	..	12	3	15	Mrs. Wright and Miss Hawke.		

There are leases of parts of this land purporting to be leased by these instruments already existing. It appears to us that no Maori Land Board could be expected to confirm such leases, and clearly it is not for the benefit of the Maori lessors that what is practically suburban land should be so dealt with, though it is even assumed that the leases were otherwise legal and in accordance with law.

No objection has been made by the Maori owners to the leases of Mr. Coates, Mr. Holmes, Mr. Biddick, and Mrs. Coates. In most of these leases the tenants have made improvements. In our opinion it is much to be regretted that the land should be leased in the way in which it has been leased. This is suburban land, and it should have been leased in smaller parcels. The way in which Europeans have dealt with land less accessible to Auckland may be seen in the suburb of St. Helier's Bay. The Orakei Settlement should have been so arranged that there should have been ample reservations made for Maori occupation, and then the allotments not required for this purpose should have been leased in areas of from $\frac{1}{4}$ acre up to 2 acres, or perhaps land furthest removed from the sea up to 5 or 10 acres. This would have made better provision for settlement than has been done, and would have been of greater advantage both to Europeans and Maoris.

Our recommendations appear in the schedules hereto, and may be summarised as follows :—

	A.	R.	P.
1. For Maori occupation	85	0	21
2. Leases to be validated	472	2	4 $\frac{2}{3}$
3. Area for cutting up and settlement	86	0	8 $\frac{1}{3}$
Total	643	2	34

We further recommend that the Chief Judge of the Native Land Court be asked to see that the law is carried out in reference to the orders, and that if he has any doubts as to the validity of the orders the opinion of the Supreme Court should be taken.

It is with much hesitation and regret that we have recommended that some of the lessees' leases should be validated. The history of the legislation dealing with Maori land shows that the validating of illegal sales and leases of Maori land is continually going on. We hope that there will be no need for considering validation in future if the recommendations we have made in our other reports are carried out and the existing laws not altered—that is, that all selling and leasing is in future to be made by the Maori Land Board of the district by public auction. There have been no doubt thousands of transactions between Europeans that have not been enforceable by law, but Europeans have not asked for the aid of legislation to validate or carry out their illegal contracts. It is only when the transactions are between Europeans and Maoris that the aid of Parliament has been sought. A precedent has been set in many past Native Land Acts, and as we believe the lessees in this settlement have been acting *bona fide* and the lessors are anxious that the leases should be given effect to, we have, though we generally disapprove of validations, made the recommendations above set out.

We have the honour to be

Your Excellency's obedient servants,

ROBERT STOUT, }
A. T. NGATA, } Commissioners.