

land to Maoris must have referred to other land, and not to the Tangonge Block. The subject-matter of the petition has been before two previous Commissions. The first—Mr. Houston's Commission—found that the land was given back to the Maoris by Mr. Matthews, and the second—Judge MacCormick's Commission—found that the Native title to the land had been extinguished, and, as "surplus lands," the Tangonge Block had become Crown land. It is a question whether or not, in good conscience and equity, "surplus lands" in purchases of that kind should be treated as belonging to the original Native owners and not to the Crown, and we do not express any opinion on that question. From the evidence produced at the hearing of this petition it is evident that the Tangonge Block was sold by the Maori owners to the Rev. Joseph Matthews, and the petitioners have failed to prove that Mr. Matthews agreed to give any part of the block back to the vendors.

*Petition No. 53.*

116. In this petition the petitioners, Hemi Riwhi and others, claim that Otangaroa Block No. 2 was inalienable except by lease, and that there was no receipt for the purchase-money on the sale of the block from the Maori owners to one George Holdship. A copy of the memorial of ownership for the Otangaroa Block No. 2, dated the 10th October, 1876, was submitted in evidence. This memorial declared seventeen Natives, whose names appeared in the table, as owners of the block, and contained a clause restricting alienation, other than by lease, in accordance with section 48 of the Native Land Act, 1873. Under section 49 of the same Act it is enacted: "Nothing, however, in the foregoing condition annexed to any memorial of ownership shall be deemed to preclude any sale of the land comprised in such memorial where all the owners of such land agree to the sale thereof." Taking advantage of the provisions of that section, all the seventeen Maori owners executed a conveyance dated the 8th January, 1877, to George Holdship for £816 17s. The deed of conveyance contains a certificate by the Trust Commissioner under the Native Land Frauds Prevention Act, 1870 (Auckland District), whose duty (*inter alia*) was to see that the vendors received the full purchase-money, for which a receipt appeared on the deed. It is therefore evident that the sale by the Maori owners was valid, and that the consideration money was duly received by them.

*Petition No. 54.*

117. The land mentioned in this petition, being Sections 19 and 23, Kaero Survey District, was obtained by the Crown in two separate areas and in different ways. The southern portion of Section 23 was included in the Matawherohia Block, and was purchased from the Maori owners by the Crown by deed dated the 8th June, 1859. Section 19 and the northern portion of Section 23 were purchased by Mr. James Kemp in 1836, as part of the Whangaroa Block. On investigation by the Godfrey and Richmond Commission the area was reduced to 2,284 acres, but subsequently increased to 4,000 acres. Later, before the Bell Commission, the holding was again reduced to 2,722 acres, and the land contained in Sections 19 and northern part 23 excluded, and for that area a grant was issued to James Kemp, and the land contained in Sections 19 and part 23, which was excluded from the grant, became "surplus land," and, as such, Crown land. The Native title to the land mentioned in the petition was extinguished by the sale to James Kemp and by the sale to the Crown, and the petitioners have not made out any right to the land.

*Petition No. 55.*

118. The petitioners in this petition pray "to have returned to them their island, Motukaraka, containing 4 acres, more or less." This island was purchased from the Maori owners by Thomas McDonnell in 1831, and a grant was issued to him under the Land Claims Settlements Acts on the 4th December, 1860, and the Native title has accordingly been extinguished. The petitioners, however, varied their claim at the hearing of their petition, and claimed the return of the Motukaraka Block on the main land, amounting to 2,560 acres, or compensation in lieu thereof. Evidence showed that McDonnell purchased the Motukaraka Block