

from the Maori owners in 1831. In 1844 the purchase was inquired into by Commissioners Godfrey and Richmond. In a note on the report by the Commissioners it is stated that the Native owners admitted the payment they received and the alienation of the land described in the report. The Commissioners then recommended a grant of 2,560 acres to Thomas McDonnell within the boundaries of the report—that is, from Tokotoroa, in the Narrows, to the rocks in the Te Tapuwae Creek—as the balance of the area claimed by McDonnell was disputed by the Maoris. The boundaries mentioned in the report approximately coincide with the boundaries of the Motukaraka Block, the subject of this petition. A grant was issued to McDonnell for 2,560 acres at Motukaraka, the boundaries of which were as reported by Commissioners Godfrey and Richmond. After the passing of the Land Claims Act, 1856, this grant apparently was called in and a survey directed to be made for the purpose of issuing a new grant with a more accurate description of the land. Owing to the Taranaki war, it was thought best not to proceed with the survey of Motukaraka, and an exchange was made with McDonnell by which the Crown granted McDonnell land at Whangarei and took a conveyance endorsed on the original grant from McDonnell. Mr. John Curnin in 1885 reported upon the block, and recommended the Crown proceeding with the occupation of the land acquired from McDonnell. It appears that events long after the sale of the Motukaraka Block created the impression with the Maoris that the sale was not valid, but there is no good reason for disputing the finding of Commissioner Richmond in 1844 that the Maoris then acknowledged the sale of the block as defined later in the grant.

*Petition No. 56.*

119. It is evident that the petitioners, James Maxwell and others, have misunderstood the true facts relating to their claim for the return of Okahukura Block. From departmental files it is clear that James Maxwell, sen., through whom the petitioners claim, did not acquire any interest in the freehold of the block from either Longford and Gardiner or C. I. Stone, neither of whom had any interests, other than timber-cutting rights, to dispose of.

We have the honour to be,

Your Excellency's most obedient servants,

[SEAL.]

W. A. SIM, Chairman.

[SEAL.]

VERNON H. REED.

[SEAL.]

WILLIAM COOPER.

Dated at Wellington, this 29th day of June, 1927.

**MR. REED'S MEMORANDUM ON PETITIONS Nos. 9 TO 13.**

I DISSENT from the finding in the report relating to the third claim in petitions Nos. 9 to 13. That claim was based upon a bargain or agreement made by the Crown at Hatepe in 1867, at the time of the cession of the Kauhouroa Block, and, in my opinion, that claim has been satisfied by the Crown under agreement dated the 15th January, 1876. That agreement acknowledged the receipt of £1,500 from the Crown to the loyal Natives, paid by Mr. Hamlin, who recorded that payment as being for compensation for claims "in accordance with the agreement at Hatepe in 1867."

There was much confusion as to the nature of the verbal bargain or agreement made at the signing of the deed of cession at Hatepe, Wairoa, in April, 1867. In my opinion, the deed of cession is silent on the matter. Under the Act of 1866 the Crown obtained the right to confiscate the interests of the rebels in certain East Coast Native lands. The ownership to those lands were then unascertained. Under the deed of cession the Crown withdrew its claims to confiscate the lands south of the Ruakituri River and outside the ceded area—the Kauhouroa Block. From the passing of the Act in 1866 until the signing of the deed of cession in April, 1867, the Crown had the right to confiscate under that Act, but had not acted under that right. By the Crown withdrawing its claims to confiscate under