

relates to land that we have not passed through the Court. Surveys were made years ago, but the maps were not prepared, and yet we have to pay again for surveys. These former surveys should be utilised to this extent: that the maps be approved of. Then, when application is made to have any of these cases brought before the Court, the Court will not accept the maps in cases where there are any, and will not accept the surveys either.

835. *Mr. Mackay.*] You mean that the Court will not accept the old maps?—Yes; maps made at the time that these old surveys took place. Some of the cases in which these old surveys were made were brought before the Court at the time; but the surveys in such of these cases as were not brought before the Court at the time the Court now refuses to accept.

836. The reason is that the country in those old days was not “trigged,” but, having been “trigged,” since then, some of the surveys have had to be altered in consequence?—That is not the reason. I will give an instance. In one case a surveyor named Fairburn surveyed the land, but did not send a map of the survey down to Auckland. Now, when the map is sent down to Auckland it is not accepted there. We have to pay for that survey, and yet it is held to be no good. I shall now refer to the case of some land that was obtained a long long time ago, before the Governments were constituted. This land went to Europeans at the time that the Maoris were ignorant of land-dealings, the land being sold without a clear knowledge as to its position. Then, when the Government came to the country, and the Treaty of Waitangi was established, the Government began to buy land. From about the time of the signing of the Treaty of Waitangi down to some twenty years ago, inquiries were being made as to the lands that were sold. For twenty or thirty years inquiries were going on as to the purchases made in that way by Europeans. The Government then determined what portions these Europeans should get to represent what they bought, and the residue of the lands the Government kept its hand upon. The Government called these lands the “surplus lands.” My remarks will now bear upon such of these lands as I myself and my people are interested in. There was a dispute long ago with regard to some land that was handed over by our old people to certain Europeans. At that time no surveyors had arrived in New Zealand. At length the Europeans arranged with our old people as to the portion of land they should have, and as to the portion that should be returned to our old people. Then, when the surveyors came to New Zealand they commenced to survey off the portions of land that were to go to these Europeans. The surveys were made, and a portion went to the Europeans and a portion came to us. But the Government made no such claim to the portion that came to us as they did in subsequent cases, by calling it “surplus land.” In another case the Government specially notified what were the surplus lands; in this case, however, to which I have been referring, they did not do so. About thirty years ago we got this particular land surveyed, and in the early days of the Native Land Court, when Mr. Maning was Judge, we had the case brought before the Court, and those Europeans who had got their portion of the land attended the Court to see that none of their land was included within our boundaries, and in consequence of their saying that a portion of their land was included in ours the case was not closed. It remained open so that an alteration might take place in the boundary, after which the judgment of the Court was to issue. But, owing to disputes among ourselves, the error in the boundary was not rectified. Nothing was done until 1889, when we again brought the case before the Court, and we then found that the Government claimed the surplus land, and we also saw that it was marked as Crown land. At the time that this land was brought before the Court the Government agents were present, and they set up no claims to this land. It was the duty of the Government representatives to see whether or not the Government had any claims in respect of any case brought before the Court. In this case I repeat they set up no claim. Yet in 1889 the Government claimed this land as belonging to itself. We had sent the application to the Native Land Court, and had had the claim brought before it. The map showing the survey of that land had been approved by Captain Heale long before, and there was also written, either on the map or somewhere, the statement that the Government had no claim over this particular land. But when the case came before the Native Land Court word arrived from the Government setting up a claim to it. There are many cases of a somewhat similar nature to this, in which the Natives are concerned; but in this particular case the existence of the Government claim over the land did not appear until 1889. I wish, without taking up the time of the Commissioners too long, to lay before them clearly the nature of our application to them. Now, in some cases portions of the lands excluded from old purchases by Europeans were subsequently sold by the Natives to the Government. The Government accepted these sales, and in no instance raised the objection that those lands were already the property of the Crown under the designation of “surplus lands.” Henry Kemp was the purchaser on behalf of the Government, and those lands were paid for and dealt with as if they had belonged to the Natives, and had been in their original state. And if we had so wished at that time we could also have sold this particular land that was taken away from us in 1889, and Kemp would have paid his money for it. There are many blocks in a similar position to this, with this difference: that in no instance has this land been called “surplus land.” We have been thinking about and seeking to understand why in the one instance I have described the Government should take our land from us in this way. There was no trouble in connection with any of our transactions with the Government in the old times, nor in regard to any of those old sales. Then, why does the Government come now and take away our land in this way? Nor was there any wrong done on the part of the Europeans in those times. It was not alleged that they bought land in defiance of any law that existed. It was subsequently, when we possessed a Government, that we were also placed in possession of laws. If it had been that some law had been broken, and that wrong was done by those Europeans in buying land, then perhaps the Government might be justified in setting up some claim to this land; but nothing of that sort occurred. We have sought, and sought hard, but are quite unable to discover any reason that will justify the Government in what it has done. Therefore we think it is but right that the land that was wrongly included in this purchase