

lands cut off from any private purchases by the Commissioners; secondly, as to overlapping surveys. The Government used to make surveys which overrid the old surveys, and took off large slices of the Natives' land. Do you know anything in connection with those matters?—With reference to the surplus lands, I went to Hokianga instructed by the Crown to protect the interests of the Crown in the Motukaraka lands.

2236. When was that?—About the year 1885. It was an old purchase of Captain McDonnell, which, with several others of his purchases, had been before the Commissioners in the early times; and they determined that *bona fide* purchases had been made. A certain quantity of land in such purchases was surveyed and marked off for Captain McDonnell, and the remainder became land of the Crown. The Natives having parted with their title before 1840, it consequently followed that these lands were never Native lands within the meaning of the Treaty of Waitangi. If Her Majesty only gave Captain McDonnell a certain acreage in that area the remainder vested in Her Majesty by right of her Crown. And it was only a question between herself and Captain McDonnell, how much he was entitled to hold under the Crown. That was limited to 2,560 acres. All the surplus became vested in the Queen as demesne lands.

2237. Was that the only ground on which the Crown took the lands—no other claim than that?—No; but those were the instructions of the Secretary of State for the Colonies, Lord Stanley.

2238. No doubt the argument of Earl Grey was much stronger even than that—that the Maoris had no right to any lands that they did not cultivate; but Sir George Grey, Sir William Martin, and Bishop Selwyn knocked that on the head?—In this case the point was how much of the land purchased by him from the Natives before 1840 a private individual could hold under the Crown.

2239. That was the ground on which the surplus land was taken?—Yes. It was never disputed that that was the ground, and the surplus lands in the North have been sold as Crown lands.

2240. I suppose there were large areas altogether?—Yes, but they were much scattered. The early settlers bought here and there, and concentrated the awards made to them when they wished to obtain a Crown title, so that the first outlying people held under the Crown.

2241. Do you know anything about the overlapping surveys?—No.

2242. There were some cases alleged in which the Crown had allowed the land was the property of the Natives, and yet took it and sold it. Do you know anything about such cases?—I never heard of that. When I was in Auckland at that time I arranged with the Surveyor-General that all the land taken by the Crown as surplus land should be marked on the plans with the letter "S." There have been several cases in the Bay of Islands where the Natives disputed the boundaries on the old records of the Land Claims Office; but the old landmarks are indicated in these records, and they are pretty accurate. I may say that the appointment under section 21 of the Act of 1873 of District Officers was entirely ignored. That was a great scheme if it had been worked.

2243. *Mr. Carroll.*] The scheme was to parcel out the colony into Native districts, and for each a District Officer was to be appointed, whose duties were:—“(1.) To prepare for record a general skeleton-map of the district assigned to him, distinguishing the different tracts of country in possession of the various tribes or hapus of the Natives at the date of the signing of the Treaty of Waitangi, and the nature of the tenure thereof. (2.) To compile, with the assistance of the Assessors, and of the most reliable chiefs of the district, or with the assistance of such other person or persons as he may consider to be trustworthy, accurate and authentic information relative to the district aforesaid, defining the intertribal boundaries by their Native names, giving the estimated acreage of such tribal land, with a description of the course and direction of the principal rivers running through such land, and the names and positions of the various mountains, lakes, and other salient points in the general features of the country. They shall also supplement the information by tracing the genealogy and names of the various families or hapus to which the different portions of the original tribal land shall have descended.” You could not have got in more complete detail the working out of a Native-land policy than that?—No.

2244. And that was totally ignored?—It was.

2245. *Mr. Rees.*] Then, Sir Donald McLean's idea was to have all these inquiries made, districts formed, and for each district a District Officer, who had to carry on the duties specified in that clause, in his inquiries being aided by the chiefs?—Yes; he contemplated a Domesday Book, to be prepared while the chiefs were alive who could give the required testimony.

2246. *Mr. Carroll.*] If that had been done there would be no disputes in the Native Land Court as to the ownership of Native lands?—No.

2247. *Mr. Mackay.*] It would have been the standard book of reference?—Yes.

2248. *Mr. Carroll.*] In the present day any Native Land Court Judge dealing with these matters could have referred to this book of reference, and could see at once whether any witness appearing before him was correct in his account of the family history?—Yes.

2249. It would have saved the Natives and the Government a lot of money, time, and trouble?—Yes.

2250. Sir Donald McLean did employ Mr. E. F. Harris to work up the genealogy of the East Coast Natives, but discontinued his services after a time. He was one of the most able men amongst the Maoris to acquire such information. Here, again, in this Act of 1873 is your idea brought out, Mr. Rees. Section 24: “It shall also be the duty of every District Officer to select, with the concurrence of the Natives interested, and to set apart, a sufficient quantity of land, in as many blocks as he shall deem necessary, for the benefit of the Natives of the district: Provided always that no land reserved for the support and maintenance of the Natives, as also for endowments for their benefit, shall be considered a sufficiency for such purposes unless the reserves so made for these objects added together shall be equal to an aggregate amount of not less than fifty acres per head for every Native man, woman, and child resident in the district. In each case of land so set apart as aforesaid the District Officer shall transmit a report of the particulars of each such reserve for the approval of the Governor in Council.” Well, that has never been done?—No.