

years that rental became reduced to £159. About three divisions of money were all that was made, and the result of the management of the remainder is very little better. Litigation has resulted, and is still pending. I do not want to trench upon what is going on, but I consider that the Thermal Springs Act ought to be repealed. It is an injustice to these unfortunate people to keep 600,000 acres of their land locked up. The Government, apparently, cannot deal with it, and no one else can. It is a grievous thing that such a state of things should still be existing. I presented a petition to the Government signed by two thousand Natives—nearly all the owners—asking the Government that these lands should be withdrawn. It has not been acted upon. There is power under the Act to proclaim any of the lands out of the Act; but that provision remains a dead-letter. This, I think, is a grievance that the Arawas have a right to ask the Commission to remedy.

2265. Supposing that land were thrown open for settlement, with titles to be given by a Board, is it likely that it would be taken up?—Yes; I have not the slightest doubt about it. The land around it is mostly all taken up.

2266. At any rate, you can safely say there would be a large revenue from it?—Yes.

2267. There would be an annual revenue, and the settlement of the country would at the same time be advanced?—Yes.

2268. *Mr. Mackay.*] The right thing to do is for the Government to buy it up, and constitute with it a Government park, as Rotorua will in time become a large township?—I have been negotiating in that direction. Something, at any rate, will be done if I can get the Government to buy the springs. To the action that is pending the Crown Suits Act has been pleaded in bar of the claim; and, although these Maoris claim something like £20,000 against the Government, they are unable to get their case into Court, owing to this 39th section of the Crown Suits Act. If it is within the province of the Commission to make any recommendation upon that point, I should say it ought to be done.

2269. *Mr. Rees.*] I think it is open for us to make report upon that, and a recommendation?—Probably that would obviate the necessity for petitioning Parliament. At any rate, I would ask the Commissioners to report upon the justice or injustice of the case. I submit that it is a monstrous thing that the Government should set up this technical clause of the Act in order to prevent the case being heard upon its merits.

2270. *Mr. Carroll.*] And yet the feeling is strong to place all the Native land under the control of the Government—that is, if a great many people are to be believed—in the face of all this?—Yes, and in the face of a great many other things. Gentlemen of great wealth and position in New Zealand who bought leases at this Rotorua sale have been excused from the performance of their contracts, and then the machinery of the law is used to prevent inquiry into these transactions; and, in order further to hide the defects of their management, the late Government, although trustees for the Maoris, set about purchasing the shares in the township, and have acquired the greater part of them; but a few, who are parties to the litigation, will not sell unless upon a fair settlement of the past dealings with the land. The admission is on the pleadings that the rentals of £2,740, representing the first day's sale, have become reduced under Government management to £159, and that contracts amounting to many thousand pounds have not been enforced.

2271. *Mr. Rees.*] The Government on their part violate the law. They were declaring these people to be acting in a fiduciary position, and yet they bought the interests of the *cestui que trustent*?—That appears to be so. Another matter I have to bring before the Commission is in respect of a block called the Ngarara Block, near Waikanae. Section 13 of "The Native Land Court Act Amendment Act, 1879," was passed, I believe, to provide for cases where there had been an error or omission in any order of the Court. Some cases were brought under that section in respect of which it was held that there had been an omission or error of the Court, and they will obtain relief; but there are others whose names were omitted from the list of owners. Wi Parata was appointed by the Court to furnish the names of the owners, and I have read his evidence, which was given before the Commission set up for the purpose of making due inquiry, and it states that he only furnished the names of those who were residing on the land. This block is called Ngarara, but it is really the Waikanae Block, and all these people say they were deceived by the name under which it passed through the Court. If it had been styled "Waikanae," they would have understood what block was meant; but "Ngarara" they could not understand, as Ngarara happens to be merely the name of a small stream passing through the block. At the time of the settlement of New Zealand by the English, William King was living at Waikanae, and he interviewed the Governor when he came here, and told him, "I am living at Waikanae now, but I intend to live at Waitara. Therefore," he said, "don't you buy any of the Waitara land from Taylor (Teira), because I intend to make that place my home; but you can buy all the rest of the land right up to New Plymouth. Do not, however, buy that little bit at Waitara." However, we know that the Government did buy that little bit. William King lived on the Waikanae land as principal chief of the Ngatiawa Tribe; and yet in this list of names furnished by Wi Parata his name and the names of all the members of his family are ignored, because he was not living there at the time. I submit that is an injustice, because our law recognises the Maori land rights as they were established in the year 1840; and, as these people lived there up to 1848, it is clear they had no right to be excluded from the list of owners. That is the position of these people, and yet they cannot come in under section 13 of the Act of 1879. Their application has been dismissed by the Native Land Court.

2272. You say that section 13 is not wide enough to meet the case?—Yes. It is not wide enough to allow these cases to be heard on their merits. There is another class of cases, but I think it only applies to one family—viz., to an old Maori chieftainess named Ihipera Nukaihu and her children and grandchildren. She received no notice of the sitting of the Court, but she came to Wellington shortly afterwards, and she left a letter with Sir Donald McLean, saying how she wished the block to be divided. At that time she had some small pieces surveyed in the block for four of her children, of which I produce a plan made at the time by an authorised surveyor.