the statement in paragraph 9 of that petition as to certain difficulties in regard to the issue of orders for certificates of title by the Native Land Court referred not to the Crown awards, but to the awards to the Natives themselves. This is on record in the files of the Court. These difficulties did not prevent the issue of valid titles to the Natives, who got all the areas that were excluded from the sales of the blocks by the deeds of sale to the Government.

Copies of the said petitions are attached hereto as Appendix A.

Before discussing the claims generally, it may be convenient to deal with a subsidiary case or claim set up by certain members of the Ngati Porou Tribe of the Tairawhiti District. These claimants are not petitioners and, strictly speaking, were not entitled to any hearing apart from the general hearing, but I considered it advisable to hear what they had to say. The claim relates to two blocks of land, Mataora (now divided into Nos. 1 and 2) and Harataunga. The Ngati Porou people had no ancestral rights to these blocks, which were the subject of gifts to them by leaders of the Ngati Tamatera Tribe for services previously rendered to the donors by members of Ngati Porou. So far as the Mataora Block is concerned, I am quite unable to see that the claim is substantiated. This block was included originally within the general boundaries of the Ohinemuri Block. It was, however, excepted from the deed of cession or mining agreement with the Government in respect of Ohinemuri. On the investigation of title, the block was excluded from the order for Ohinemuri and awarded under the gift to Ngati Porou. The suggestion that under these circumstances it should be entitled to a share of any payments that might be made by the Crown to the Ohinemuri people appears to me to be quite unfounded, and, in point of fact, I am reliably informed that Mataora is a pastoral block and that no mining operations have ever taken place upon it. It is still Native land. If the Crown ever collected mining revenue from it and has not paid it, it should do so. In any event, there is no ground at present for any separate finding. With regard to Harataunga, that block has been subdivided into a great many divisions. Some of the divisions have been acquired by the Crown, others by Europeans. This block, however, is the subject of one of the deeds of cession for mining purposes made by the Native owners to the Crown, which will be hereafter referred to. If then, any compensation or other payment be made to the Hauraki Natives in respect of claims made by the petitioners, Harataunga Block would undoubtedly be entitled to participate to some extent. A question was raised by the conductor for these Ngati Porou people in relation to the timber that stood upon the block. He contended that the Crown, by virtue of the deed of cession, had been constituted trustee for the Natives in regard to the timber on the land, and that, although the Natives themselves had sold the timber and received the proceeds, the Crown as trustee was liable to them for neglect of duty. The claim is, in my opinion, quite without merit. The Native owners cannot eat their cake and still have it.

Coming now to the general claims of the petitioners, it may first be stated that it is common ground between counsel for the petitioners and the Crown's advisers that the Natives have no enforceable claim in law.

Their claims may be dealt with under three headings: Firstly, the matter of the accounts in respect of the mining revenue received by the Crown; secondly, the effect in law of the deeds of cession or mining agreements: and thirdly, the circumstances relating to the subsequent purchase by the Crown of some of the blocks affected by the deeds. There were five deeds of cession:

(1) Deed of cession dated 27th July, 1867 (Kauaeranga Block):
(2) Deed of cession dated 9th November, 1867 (Mamaku No. 1):
(3) Deed of cession dated 9th March, 1868 (Mamaku No. 2):
(4) Deed of cession dated 13th May, 1868 (Harataunga):
(5) Deed of cession dated 18th February, 1875 (Ohinemuri).

Three of these deeds of cession were validated by the Auckland Gold Fields Proclamations Validation Act, 1869. The deed of cession of 9th November, 1867, was not validated by the Act or even mentioned, but the area affected was proclaimed as a goldfield and treated as such ever since. The Ohinemuri deed of cession also was not so validated. The Ohinemuri Goldfield Agricultural Leases Validation Act, 1876, merely validated certain agricultural leases, the validity of which was doubtful. It did not purport to validate the deed of cession. That, however, was validated in 1892 by section 17 of the Mining Act of that year.

The conveyances to the Crown are—

Waikawau conveyance of 31st March, 1872:
Waikawau conveyance of 29th July, 1875:
Moehau conveyance:
Omahu West conveyance:
Omahu West 1 conveyance:
Omahu West 2 conveyance:
Omahu West 3 conveyance:
Ohinemuri conveyance:

Copies of all the above-mentioned documents are attached as Appendix B.

No oral evidence was led by either side at any stage of the proceedings, both parties relying on records and statutory provisions.

Coming now to the question of account of the gold-mining revenue collected by the Crown, it may be stated at once that it is not practicable for a complete or satisfactory statement of account to be furnished now. For such information as is available the Court and the parties are almost entirely indebted to the industry and perseverance of departmental officers—Messrs. Dunstan, of the Treasury; Owen Darby, of the Lands Department; and Norman Smith, of the Native Department—who carried out an exhaustive search for records in all places where some might be expected to be found. Records