

(3) That in view of the very large sums of money received by the Crown by reason of its purchases of the freehold of the land previously ceded to it for mining purposes, and the doubt whether the Natives fully appreciated the effect of their sales, and the further doubt as to the proper distribution to the Natives of the moneys they were entitled to, the advisers of the Crown might well consider favourably the making of an *ex gratia* payment for the benefit of the Natives whom the petitioners represent. These Natives, mainly by reason of their selling their lands, now find themselves in a position where they have only small areas of land suitable for development or farming remaining to them. They are not destitute, especially as nowadays the benefits of the Pensions and Social Security Acts are extended to them, but they are in most cases badly off. Mr. Cooney made a strong appeal for sympathetic consideration, on the ground that much prosperity to New Zealand, and particularly Auckland District, had resulted from the gold won from the Native lands. That may be so; but the winning of the gold resulted from the activities of the miners and also the heavy outlay of capital from abroad which was found necessary, especially in the Ohinemuri district, which produced little until the introduction of the cyanide process with accompanying outlay of capital. When the purchases were made about sixty years ago the future of gold-mining was in doubt. A reference to the Treasury statements previously referred to shows a heavy drop in receipts after 1870 which continued till 1896. Therefore, the purchases, if considered at the time they were entered into, would not appear such bad bargains as they appear in the light of after events.

If it be felt that the present time is inopportune for deciding as to any payment, it could perhaps be considered later when circumstances may better warrant it. On the material available it is not practicable to justify recommending any particular sum, but to be of any use it would need to be substantial—say, £30,000 to £40,000. If any grant be made, I would suggest the advisability of considering whether it should be created a fund for general purposes to be administered by a Board or Committee under the supervision of the Court or Native Minister, rather than to make an attempt to distribute in cash, an almost impossible task to carry out effectually, in accordance with former rights to land.

Dated at Wellington, this 28th day of June, 1940.

[L.S.]

CHAS. E. MACCORMICK, Chief Judge.

APPENDIX "A" (1).

PETITION 347/1934-35 OF RIHITOTO MATAIA AND OTHERS.

To the Honourable the Speaker and Members of the General Assembly of New Zealand in Parliament assembled, Wellington.

THE humble petition of the undersigned Natives interested in the Ohinemuri Block hereinafter referred to sheweth as follows:

1. That your petitioners claim interests as members of Ngati Tamatera and Ngati Maru sub-tribes of Marutuahu tribe within the boundaries of the Hauraki.

2. That your petitioners claim interests in the Ohinemuri Block in the Provincial District of Auckland.

3. That by agreement dated the 19th day of December 1868 Taraia Ngakuti and 57 other Natives demised the said Ohinemuri Block at the time estimated to contain 132,175 acres—to one James Mackay on behalf of Sir George Ferguson Bowen as Governor of New Zealand for gold mining purposes only the Natives otherwise retaining their interests in the said Block as is evidenced by copy of such agreement duly registered and hereto annexed under "A."

4. That by lease dated the 18th day of February 1875 Hirawani te Kara and 156 other Natives demised the gold and other mineral rights over the whole of the said Ohinemuri Block to James Mackay the Younger as agent for His Excellency George Augustus Constantine as Governor of New Zealand as is evidenced by copy of said lease duly registered and which is hereunto annexed and marked "B."

5. That in paragraph 9 of the said last mentioned lease it is provided that all rents royalties moneys and fees (other than registration fees) payable in terms of the said lease shall be deemed to be the property of the Native owners of the Ohinemuri Block subject to the repayment of £15,000 to the Colonial Treasury as money advanced by James Mackay the Younger on behalf of the said Governor the said rents and other moneys to be due and payable to the Native owners after repayment of the said advance of £15,000 as provided in paragraph 9 of said lease.

6. That on the 16th day of May 1878 a *Gazette* notice issued to the effect that 100,000 acres of Ohinemuri Block had been bought by the New Zealand Government for a total sum of £27,613 11s. 9d. (*vide* Appendix to Journals House of Representatives, Volume 1, C. 6) in spite of the fact that no effort had been made to investigate the title or define the Natives' interests therein.

7. That on the 9th day of June 1880 the Native Land Court commenced its first investigation of the title of the Ohinemuri Block and included in such Block was the Owharoa Block and in course of such investigation of title of Ohinemuri Block the Native Land Court divided the Block into 19 divisions. The Government purchased interests within these divisions and the Government portions were called Number 1 to 19 (inclusive) and the Natives' portions at that time were called 1A to 19A (inclusive).

8. That on the 27th day of June 1882 the portions of Ohinemuri Block purchased by the Government and those portions of same retained by the Native owners were defined and Certificates of Title were to be issued in favour of the Crown and Native owners respectively.