

1907.
NEW ZEALAND.

NORTH OF AUCKLAND SURPLUS LANDS

(REPORT OF R. M. HOUSTON, M.P., A COMMISSIONER APPOINTED TO INQUIRE INTO THE QUESTION OF).

Laid on the Table of both Houses of the General Assembly.

REPORT.

MAY IT PLEASE YOUR EXCELLENCY.

As the Commissioner appointed by Your Excellency, under the provisions of "The Commissioners Act, 1903," and its amendments, to inquire into and report upon the "surplus lands" as defined in your said Commission dated the 28th day of March, 1907, I have the honour the present the following report:—

I opened the inquiry on the 10th day of May, 1907, and took evidence from time to time until the 20th day of May, 1907.

From the result of my investigations I am of opinion—

- (1.) That in some of the lands mentioned in the schedule to Your Excellency's Commission there are portions of "surplus lands" undisposed-of by the Crown;
- (2.) That there are landless Natives residing in the locality of such "surplus lands"; and
- (3.) That, without prejudice to the Crown's legal right to such "surplus lands," it would be an act of grace on the part of the Crown to confer portions of such lands on—
 - (a.) The landless Natives; or
 - (b.) On those who but for the alleged sales would have been the owners, according to Maori custom, of such lands; or
 - (c.) On both.

I have therefore to recommend, for Your Excellency's favourable consideration, that legislation in respect of such "surplus lands" may be introduced with a view to providing that the Governor in Council may set aside any portion or portions of such lands for the Natives aforesaid, and may direct the Native Land Court to inquire and report as to what landless Natives, or what alleged owners according to Maori custom, or both, should be admitted to ownership in the said lands, as to the relative interests each of such Natives should receive, and as to the restrictions, if any, that should be placed on the title. Such legislation should provide that, on receipt of such report, the same should be considered by the Governor in Council, who may confirm the same with or without amendment, and may then forward the same to the Chief Judge of the Native Land Court, who shall thereupon issue an order of the Native Land Court vesting such lands in such persons as aforesaid.

In regard to the Tangonge Swamp (the Rev. Mr. Matthews's Old Land Claim No. 7), which was, on the 21st December, 1898, gazetted a kauri-gum reserve, I find that the land was given back to the Native owners by Mr. Matthews, and was not included in his claim before the Commissioners. It, therefore, did not become "surplus land," and was, and should still be, Native land vested in the Native owners.

I also have the honour to append a copy of the minutes of evidence taken.

Your Excellency's Commission is returned herewith.

I have the honour to be

Your Excellency's most obedient servant,

Wellington, 22nd July, 1907.

ROBT. M. HOUSTON.