

To His Excellency the Governor-General, Lieutenant-General Sir Bernard Freyberg,
V.C., G.C.M.G., K.C.B., K.B.E., D.S.O.

MAY IT PLEASE YOUR EXCELLENCY,—

1. Having completed the inquiry directed by Your Excellency's Commission of the 13th August, 1947, in the matter of the West Coast Settlement Reserve leases, we now have the honour to make our report.

2. We held sittings at Hawera on the 26th, 27th, and 28th days of November and the 1st and 2nd days of December, and at Wellington on the 12th day of December. Messrs. North, K.C., and Houston appeared for the West Coast Settlement Reserves Lessees' Association, and Messrs. Spratt and Anderson for the Maori beneficial owners of the lands. The Native Trustee, Mr. Shepherd, was also present throughout the proceedings. At the outset, Mr. Spratt said that he and Mr. Anderson appeared for the Native Trustee as well as the beneficial owners, but, in effect, they were concerned only with the interests of the beneficial owners, and their representation was treated as limited accordingly.

3. We should, we think, record the fact that the Native Trustee and his officers gave every possible assistance to both counsel and the Commission. All the files and records available were collected by the Native Trustee's office and placed at the disposal of the Commission. We are particularly indebted to Mr. Sheehan, Mr. Harris, and Mr. Blane (who also acted as Secretary to the Commission), each of whom spared no pains to prepare various tabulated and other statements to assist counsel and the Commission in what, at the outset, appeared to be, and actually has been, a very difficult and complicated business, but which we think we are now able to reduce to terms of comparative simplicity. A considerable volume of evidence was tendered on both sides, both oral and documentary. We also had the advantage of hearing very full addresses from the leading counsel on each side.

4. We think it desirable, before entering into any detailed statement, to indicate briefly the substantial effect of our conclusions, and we say at once that our investigation leaves no doubt in our minds, and, we think, could leave no doubt in the mind of any reasonable person viewing all the circumstances dispassionately that the Maori beneficial owners of these lands have suffered a grave injustice as the result primarily of the action of the Legislature in 1935 in rushing through in the last hours of the session, and, be it said, the final session of a moribund Parliament, a hastily prepared and ill-considered enactment (the implications of which we cannot believe were appreciated or understood) vitally affecting the interests of a large body of Maoris, without any intimation to them, without their knowledge, and without their having any opportunity of being heard by way of protest. The extent of that injustice is not capable of exact assessment in terms of money, but the Maoris claim that it may amount to anything up to possibly £5,000 or £6,000 a year; though, whatever the amount may be, to what extent it may have been contributed to by other causes such as the adoption of the "heresy" to which we shall have to refer later, and for which the responsibility cannot be imputed to Government or Parliament, it is impossible to say. Be that as it may, the fact is that the injustice, whatever its contributory causes and whatever its extent, has continued year by year, and in the absence of remedial legislation, may continue indefinitely.

5. But it would be quite unfair to cast all the responsibility and blame for this state of things upon the Government which introduced, and the Parliament which enacted, the legislation in 1935. As the result of the election in that year a new Government came into power. The mischief created as the result of the 1935 Act had become obvious